

### Marxes Appeal

SAN FRANCISCO, Nov. 4.—Groucho and Chico Marx, film comedians, yesterday filed notice of appeal in Ninth Circuit Court of Appeals from a Federal conviction on a charge of copyright infringement.

WALL NEWS

NOV 12 1937

## Marx Brothers File Appeal in Radio Case

SAN FRANCISCO, April 7. (AP) — The appeal of two of the Marx brothers from their conviction on a criminal charge of copyright infringement was submitted today to the Federal Circuit Court.

The brothers, Groucho, whose true name was listed in the appeal as Julius, and Chico, whose name is Leo, were convicted in Los Angeles last year. They were accused by Carroll and Garrett Graham of using a radio skit without permission and in violation of a copyright.

APR 8 1936

## Marx Brothers Lose Fine Appeal

SAN FRANCISCO, April 12 (I.N.S.)—The convictions of Groucho and Chico Marx, of the famous comedy team, by the Los Angeles Federal Court were upheld today by a three-judge decision of the Ninth United States Circuit Court here. The brothers were found guilty of violating the copyright law in connection with the use of a radio script, and were fined \$ 500 each and ordered to jail until payment was made.

*Eatz*

*Let Harry*  
*ff*

28-279-A

APR 13 1936

(Name and address of Contributor)

Date November 23, 1937.

Division File Number	Print Number	Name and Alias	Disposition
USM #5922, Los Angeles, Calif.	219	JULIUS H. MARY, alias GROCCHO MARY.	\$1000 fine; to stand committed in I. A. Co. Jail until paid.
USM #5556, Los Angeles, Calif.		LEO MARY, alias CHICO MARY.	do.

FEDERAL BUREAU OF INVESTIGATION

J. H. Hanson, Sr.  
J. H. HANSON, Sr.

HANSON, Special Agent in Charge.  
(Official Title)

(For instructions see reverse side)

28-399  
yours  
FEDERAL BUREAU OF INVESTIGATION  
NOV 26 1937 11 AM  
Special Agent in Charge.  
Title: DEPARTMENT OF JUSTICE  
TWO UNIT  
FILE



# Marx Brothers Fined \$2000 In Radio Case

Groucho and Chico Marx, a pair of sober-faced comedians, were fined \$1000 each in Federal Court yesterday for criminal copyright infringement in the use of a radio skit broadcast last year.

United States District Judge George Congrove gave them the maximum fine but spared them a jail sentence.

Contending that of \$10,000 (Marx) and \$10,000 (Marx) was not because of verbal attacks on Mayor Frank L. Shaw and Police Chief...

**Pension Advocate Wins Reduction of \$10,000 Bail**

144,451 collected on opening day of year. According to Howard L. Ryan, county tax collector, the receipts were slightly less because of delay in sending out bills due to labor troubles in including tax refund forms. These forms are to assist taxpayers in filing claims for refunds on their 1934-35 taxes. Whether this refund shall be paid hinges on a Supreme Court decision in a test case in which he ruling was against the county. The lower court held that the tax levy of former years was illegal and excessive because it was not computed down to the proper decade. The total amount to be collected last year is \$100,000,000, a divided sum over last year's total of \$100,000,000.

10

Don't

99

## 2 Marx Brothers File Appeal Here

### Comedians Seek to Have Conviction Set Aside

Groucho and Chico Marx, two sad funny men, yesterday asked for another day in court in an effort to set aside a conviction for violation of the Federal copyright laws.

Through their attorneys, two-thirds of the Marx Brothers filed notice of appeal in the United States District Court here. A Federal jury in Los Angeles last week found them guilty of converting to their own use a radio farce which had been submitted to them for approval.

Sentence of \$1,000 fine or a year in jail was pronounced.

SAN FRANCISCO, CALIF., NOV. 4, 1937

NOV 4 1937

28

208  
Scott

## 2 Marx Brothers File Appeal

Contending they were convicted on evidence insufficient for a guilty verdict, Groucho and Chico Marx yesterday filed notice of appeal in their criminal plagiarism case.

The notice was filed in the Federal Court of Appeals at San Francisco. Under their given names, Julius and Leo, Groucho and Chico asserted that, besides "insufficient evidence," the indictment was faulty and errors were to be found in the trial and in instructions to the jury.

A jury in Federal Judge George Cosgrave's court deliberated less than an hour Saturday before returning a verdict in which the comedians were found guilty of violating the copyright laws by "lifting" portions of radio material prepared by Carroll and Garrett Graham, Hollywood writers.

On Monday the Marx brothers appeared before Judge Cosgrave for sentence and were fined \$1000 each, escaping the jail sentence which the jurist could have pronounced.

# FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **LOS ANGELES, CALIFORNIA.**

**L. A. FILE NO. 28-109-**

REPORT MADE AT <b>Los Angeles</b>	DATE WHEN MADE <b>11-23-37</b>	PERIOD FOR WHICH MADE <b>9/27; 10/16, 18, 20, 22, 25, 26, 27, 30 &amp; 11/1/37</b>	REPORT MADE BY <b>Lish Whitson RS</b>
TITLE CHANGED: <b>JULIUS H. MARX, alias Groucho Marx; LEO MARX, alias Chico Marx.</b>			CHARACTER OF CASE <b>Copyright Act.</b>

**SYNOPSIS OF FACTS:**

Julius H. Marx surrendered to U. S. Marshal, Los Angeles, 9-27-37; released on \$1000 bond. Motion to dismiss indictment denied, and both subjects entered pleas of not guilty 10-18-37. Sig Marcus, former member of Zeppo Marx Agency, states Al Boasberg paid \$750 through Zeppo Marx Agency for experimental revision of Graham brothers' script in 1936. Sam Moore, formerly in charge of Camel Caravan program, states Marx brothers selected own material for broadcast 9-1-36 from several possible scripts; attended rehearsals and were paid for services. Marjorie Lyon, secretary, William Ealy & Co., took shorthand notes of script as broadcast. Both subjects found guilty after trial by jury on 10-30-37. Sentenced 11-1-37 to \$1000 fine each and to stand committed until paid. Disposition sheet submitted.

**REFERENCE:** Report of Special Agent Lish Whitson, Los Angeles, California, dated August 19, 1937;  
Bureau telegram dated October 16, 1937 (28-399).

**DETAILS:**

The title in this case is being changed to show JULIUS H. MARX as the true name of GROUCHO MARX, and to show LEO MARX as the true name of CHICO MARX.

APPROVED AND FORWARDED: <i>J. A. [Signature]</i> SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES			
COPIES OF THIS REPORT 3 Bureau 1 U. S. Attorney, L. A. 2 Los Angeles 100-28-11-20-37	28	399	17	NOV 29 1937

AT LOS ANGELES, CALIFORNIA.

JULIUS H. MARX, accompanied by his attorney, CHARLES E. "PAT" MILLIKAN, appeared at the office of the U. S. Marshal in Los Angeles, Calif., on September 27, 1937, and was fingerprinted by the Marshal and assigned No. 5922. Millikan, on the same date, argued a motion to dismiss the indictment on the ground that it did not constitute a violation. At that time he declined to comment or permit his clients to comment to the agent regarding their possible defense. On the same date, Julius Marx was released on \$1,000.00 bond.

On October 18, 1937, a motion for dismissal was overruled, and both subjects entered pleas of not guilty. Date for trial was set at October 28, 1937.

Inquiry by the writer at the office of WILLIAM ESTY & COMPANY, 6253 Hollywood Blvd., revealed that SAM MOORE, 6611 Emmet Terrace, Los Angeles, presently a writer with Metro Goldwyn-Mayer Studios, with which the Marx Brothers were under contract at the time of the Camel Caravan broadcast on September 1, 1936, had been, on the last mentioned date, the executive of Wm. Esty & Company in charge of the advertising for the R. J. Reynolds Tobacco Co., and directly in charge of the Camel Caravan hour broadcast.

SAM MOORE, upon interview, stated that in August 1936, he recalls, that through the ZEPPO MARX AGENCY at Los Angeles he negotiated for the services of GROUCHO, CHICO and HARPO MARX on the Camel Caravan broadcast for September 1, 1936; that the defendants in the instant case signed a contract with the William Esty & Company, Inc., and pursuant to the terms of that contract the defendants furnished their own script, which selection was made by them from a large number of scripts which they had in their possession. He stated that AL BOASBERG was present with the defendants when the script was decided upon; that he personally witnessed the rehearsal and the broadcast; that there were two rehearsals preceding the actual broadcast, both extending over a period of about two hours, and that both defendants were present at the rehearsals and broadcast. He indicated that because of his business connections he would be an unwilling witness but would testify to the facts above set forth. He also stated that to the best of his knowledge CHICO MARX held out for another script, other than the one which was used, presumably because he had some "fatter laughs", up to the time of the first rehearsal. Moore stated that the William Esty & Company, Inc., records would contain the original contract with the Marx brothers, the cancelled check given the Marx brothers for their participation on the program, and the "as broadcast" script which consists of shorthand notes made by MARJORIE LYON, secretary employed by the William Esty & Company, Inc., during the actual broadcast.

SAVINGTON CRAMPTON, presently in charge of the R. J. Reynolds Tobacco Company's account with William Esty & Co., Inc., stated that his records contained the original contract with the Marx brothers, which he displayed to the writer. This contract, dated August 25, 1936, provided for a broadcast on September 1, 1936, on the Camel Caravan, and with rehearsal dates from 8:00 to 10:00 P. M., August 31, 1936, and from 3:00 to 6:30 P. M., September 1, 1936, including the broadcast. The signatories, in addition to the William Esty & Company, were GROUCHO, CHICO and HARPO and ZEPPO MARX, the contract being with Zeppo Marx covering the services of the other three. The contract specified that the artists Groucho, Chico and Harpo should furnish their own material and should save the Reynolds Tobacco Company, the broadcasting Company and William Esty & Company from any damages due to the use of such material. The sum specified in the contract, for which, Mr. Crampton informed agent, the Marx brothers received payment, was \$5,750.00. Mr. Crampton requested that this amount be treated in strictest confidence, inasmuch as its publication during the course of the trial would embarrass the agency in its dealings with other artists. Mr. Crampton stated that the cancelled check for the services of the Marx brothers had been destroyed.

MARJERIE LYON, secretary to Mr. Crampton, stated that she had been secretary to Mr. MOORE in 1936, had typed up the contract with the Marx brothers and knew to her own knowledge that a check had been forwarded to the Zeppo Marx Agency for payment; that she was requested by William Esty & Company to keep a word-for-word record of the program as it was actually broadcast, and that she did so on the night of September 1, 1936. She displayed to agent an "as broadcast" script and stated that she would obtain from the William Esty & Company files a mimeographed copy of the original broadcast program identical to the one on which the "as broadcast" script notes were made, and insert on that script a translation of her shorthand notes from the original "as broadcast" script.

Miss Crampton and Miss Lyon informed agent that in New York, at the time of the Camel Caravan broadcast, a record was made of the program, but that they were unable to state whether or not that record was presently in existence. Mr. Crampton stated that at the present time a record is made of Camel Caravan broadcasts in Hollywood.

The writer conferred with Assistant U. S. Attorney CARL KADLEY with regard to the record of the broadcast, and was advised that it would be unnecessary for an investigation to be conducted in New York City for the purpose of obtaining the record and the witnesses necessary to testify regarding it for introduction in court, inasmuch as the "as broadcast" script would be sufficient evidence of the actual broadcast.

Mr. Hardley stated that the GRAHAM brothers had informed him that SIG MARCUS would be able to furnish information concerning the part which AL BOASBERG played in connection with the negotiations between the Marx brothers and the Graham brothers in 1935.

SIG MARCUS was interviewed at the Myron Selznick & Company, Inc., 9460 Wilshire Blvd., Beverly Hills, California, in the presence of his attorney, whom he introduced as H. SOGOLOV. He stated that in 1935 he was an employee of the Zeppo Marx Agency, which was engaged in the business of handling the artistic efforts of the Marx Bros.; that the agency, in 1935, negotiated with the Graham brothers for the use of the script entitled "The Hollywood Adventures of Mr. Dibble and Mr. Dabble"; that the script was to be used by the Marx Bros. in a proposed radio broadcast, negotiations for which were underway in New York by one FREDERICK MAYER, who was working in conjunction with GUSMO MARI, the New York representative of the Zeppo Marx Agency; that the Marx Bros., particularly CROUCHO, were pleased with the artistic efforts of AL BOASBERG, and preferred at that particular time to have Al Boasberg brush up any scripts which they used; that accordingly, Al Boasberg was retained by individuals unknown to him and had a conference with the Marx Bros. and the Graham brothers regarding the aforementioned script; that Boasberg worked on the script and received for his efforts \$750.00, which was paid by FREDERICK MAYER in New York to GUSMO MARI, who in turn paid the money to the Zeppo Marx Agency in Hollywood, where SIG MARCUS paid the money to Boasberg. Marcus flatly refused to state that Boasberg had been retained by the Marx Bros. He stated that he could not testify that Boasberg had any interest in the Graham brothers' copyright, and that he could not positively state that he, Marcus, had informed the Marx Bros. that the material was copyrighted by the Graham brothers. He stated that his understanding was that Boasberg would collaborate with the Graham brothers on additional programs if the Marx brothers' radio deal went through, but that he understood no deal had been consummated and that he had not seen the Graham brothers thereafter with respect to that material.

Mr. Marcus was very positive in his remarks that he considered the Marx brothers innocent of any malice, and felt that they could not be guilty of the indictment as charged. In the opinion of the writer, Marcus would be an unwilling witness.

At the Retail Merchants Credit Association, Subway Terminal Bldg., Los Angeles, agent determined that JULIUS H. MARI, wife RUTH, of 710 North Hillcrest Road, Beverly Hills, California, and LEO MARI, wife HENRY, of 8431 De Longpre, Los Angeles, had been named as parties defendant, together with the Metro-Goldwyn-Mayer Studios, Loew's, Incorporated, and others, in a suit in Superior Court, Los Angeles, in the sum of \$150,000.00, brought August 25, 1937, by HENRY BARGHA and DAVID WEISSMAN for plagiarism in the movie "A Day at the Races." The records also indicated that LEO MARI had been defendant in two

small suits, one for \$250.00 damages and the other for \$160.00 on an account. It should be noted that newspaper stories regarding the murder of LES BRUNEMANN, Los Angeles gambler, indicated that a check bearing the signature of GUSCO MARX was found on the person of the deceased Brunemann.

On October 28, 1937, the instant case was continued over until the following day for trial because of congestion in Judge Cosgrave's court. On October 30, 1937, a jury returned a verdict of guilty as to each of the defendants, and on November 1, 1937, Judge Cosgrave sentenced the defendants to fines of \$1,000.00 each and to stand committed in the Los Angeles County Jail until paid.

A new trial was denied, and notice of appeal was filed and the appeal bonds were furnished by the defendants.

A description of subject JULIUS H. MARX, alias Groucho Marx, as obtained from observation and records of the U. S. Marshal's office, is as follows:-

Name	JULIUS H. MARX
Age	47 years
Height	5' 8"
Weight	157 lbs.
Build	Medium
Hair	Black
Eyes	Brown
Complexion	Dark
Scars and marks	None visible
Occupation	Actor
Nativity	New York
Nationality	American
U. S. Marshal's	#5922.

The Bureau has advised that there are no prior records of arrest for either of the subjects.

On November 1, 1937, the Bureau was advised of the sentences imposed upon these subjects.

Disposition sheet is being submitted to the Bureau herewith.

CLOSED.



## 2 Marx Brothers Found Guilty

LOS ANGELES, Oct. 30.—(I.N.S.)

—A sober-faced jury required just forty-seven minutes to convict Groucho and Chico Marx of violating the federal copyright laws.

The brothers, among the highest paid comedians of radio and screen, were found guilty of converting to their own use a radio farce which had been submitted to them for approval.

Faced with a penalty of \$1,000 fine or a year in jail, Chico and Groucho, who lost their smiles when they went to court yesterday, announced they would seek a new trial immediately.

Federal Judge Cosgrave directed the comedians to appear in court Monday for sentence.

Groucho and Chico are accused in a federal misdemeanor complaint of "lifting" material from a skit, "Mr. Dubble and Mr. Dubble," written by Carroll and Garrett Graham, well-known script men.

Post Intelligencer  
Seattle, Washington  
October 31, 1937

17746

## 2 Marx Bros. Fined, Escape Jail Term

Groucho and Chico Marx, celebrated screen wise-crackers, felt greatly relieved yesterday.

They were relieved at not being sentenced to jail after their conviction of broad-

casting copyrighted radio script without the author's consent.

They were relieved of \$1000 each in fines—subject to action of a higher court to which they said they would appeal from the verdict of the United States District Court here, last week.

"That's a relief," said Chico, when he heard Federal Judge George Cosgrave assess the penalty.

"We'll be glad, Groucho and

me to shell out a thousand each. But jail—. Say, that's a terrible thought."

Groucho smiled wryly. For once he tried to be funny and failed when he said:

"Well, I was expecting the worst, so I'm well satisfied."

The worst would have been a

(Continued on Page 4, Colk. 4-5)

## \$2000 Fine. Ordered for Marx Brothers

(Continued From Page One)

year in jail in addition to a \$1000 fine. Later, Groucho said:

"It's a miscarriage of justice. We never knowingly 'lifted' any material from anybody."

They gave oral notice of appeal.

They were convicted last Saturday of infringing a copyrighted radio broadcast from Carroll and Garrett Graham, Hollywood authors. It took a jury only 47 minutes to bring in a verdict of "guilty."

The Graham brothers had submitted the manuscript to the Marx brothers, who rejected it. Their defense was the script they used was prepared for them by the late Al Boasberg, a Hollywood gag man, and that they saw no similarity between it and the Graham manuscript.

Judge Cosgrave delayed the sentence for a while yesterday until he could read the script which the Marx brothers were accused of plagiarizing.

"An appropriation of another's work has been made,"

said the judge afterward. "Expressions have been lifted bodily. While the indictment may have been faultily drawn (as the Marx attorney contended) it seems to me that that does not lessen the moral offense. I order the defendants committed to jail until the fines are paid."

A United States marshal walked apologetically over to the two comedians and said:

"You'll have to come into my office for a minute."

They were released under bond and formal notice of appeal made.

Groucho Marx then issued a formal statement signed by himself and Chico. It said, in part:

"After twenty-eight years of honest endeavor . . . we are faced with the indignity of being convicted of a misdemeanor."

"We know we are innocent. . . . While it is true the offense charged is a misdemeanor . . . we are compelled by the utter unfairness of the whole proceeding to demand that the matter be submitted to a higher court."

7-39970

1012/10/2

# Marx Brothers Fined \$1000 Each in Copyright Case

## Comics Post Appeal Bond; Deny Guilt

Groucho and Chico Marx, comedy stars of the stage, screen and radio, yesterday were fined \$1000 each by United States District Judge Cosgrave for infringing on a copyrighted radio script.

The judge expressed a doubt as to the validity of the indictment on which the Marx brothers were convicted by a jury Saturday, but said he was convinced, as was the jury, that a deliberate appropriation of the copyrighted work was made.

### FILE APPEAL BOND

The defendants were ordered committed to the Orange County Jail to remain there until the fines were paid, but upon the filing of an appeal bond they were permitted their liberty.

The comical Marx brothers were extremely serious as they were haled before the bar of justice and heard the stern judge declare that whether the indictment was valid or not they had certainly committed a moral offense.

### CARRIES JAIL TERM

The offense on which they stood convicted is classified as a misdemeanor and carries a maximum penalty of one year in jail or \$1000 fine, or both.

The Marxes were convicted of airing a radio script on September 1, 1936, without paying the authors, Garrett and Carroll Graham, brothers, who had submitted it to them for purchase.

This is the first conviction under the copyright laws among scores of similar cases filed in Federal court.

### APPEAL PROBABLE

The defendants' attorneys, Lloyd Wright, Clyde Thomas and Charles Millikan, intimated they would appeal.

After the sentence, Groucho Marx made the following statement:

"My brother and I after twenty-eight years of honest endeavor in the theatrical field, in which we hope we have brought to our public entertainment and happiness, are faced with the indignity of having been convicted of a misdemeanor.

"We know that we are innocent of ever intentionally taking anyone's property. So much has been written for the stage, screen and radio broadcasts that original plots are difficult to obtain and exceedingly unusual.

### HUMILIATION TOLD

"That we should have been singled out during negotiations to settle a civil suit, indicted and then found guilty on evidence which we conscientiously believe could not, by the wildest stretch of the imagination, be construed as holding us guilty of willfully taking another's property is, to say the least, very humiliating.

"We have instructed our attorneys to take an appeal. They are proceeding to do this. While it is true the offense charged is only a misdemeanor, nevertheless we, who have been in this business for more than twenty-eight years without ever taking anyone's property or without be-

## Marx Brothers Fined \$2000

Continued from First Page

ing accused of even similarity, are compelled by the utter unfairness of the whole proceeding to demand that the matter be submitted to a higher court."

Attorneys for the two comedians in announcing an appeal will be filed, said:

"Our knowledge of the facts in this case and our long acquaintance with the Marx brothers compel us to state that in our opinion the verdict reached in this case amounts to an absolute miscarriage of justice.

"We are filing an appeal and have every faith that the conviction will be reversed when the matter is reviewed by the Circuit Court."

## 2 Marx Brothers Fined \$2,000

### Pair Plan Appeal In Copyright Case

LOS ANGELES, Nov. 1—(AP)—Groucho Marx and Chico Marx, screen comedians, were fined \$1,000 each by United States District Judge Cosgrave today on a charge of infringing a copyright.

Their attorney gave oral notice of appeal.

They were convicted by a jury last Saturday of using in a radio broadcast certain "gag" material which Carroll and Garrett Graham submitted to them previously and which they had rejected.

The Marx brothers contended during their trial that the late Al Boasberg, screen writer, prepared the script they used in the broadcast. They declared they did not recall the substance of the skit, "Mr. Dibble and Mr. Liddle," submitted by the Grahams, and did not realize their broadcast script was similar.

Post Intelligencer  
Seattle, Washington  
November 2, 1937

28-397

# Marx Pair Guilty Of Copyright Violation

**2 Film Comedians  
Face Year in Jail  
Or \$1,000 Fine**

LOS ANGELES, Oct. 30—  
(INS)—A sober-faced jury re-  
quired just 47 minutes today to  
convict Groucho and Chico Marx  
of violating the Federal Copy-  
right laws.

The brothers, among the high-  
est paid comedians of radio and  
screen, were found guilty of con-  
verting to their own use a radio  
farce which had been submitted  
to them for approval.

## FACE JAIL OR FINE.

Faced with a penalty of \$1,000  
fine or a year in jail, Chico and  
Groucho, who lost their smiles  
when they went to court yester-  
day, announced they could seek a  
new trial immediately.

Federal Judge Cosgrave di-  
rected the comedians to appear  
in court Monday for sentence.

## "VIOLATION PROVED."

A minute before the judge com-  
menced his instructions, the  
jurors had heard Assistant U. S.  
Attorney Carl Eardly demand in  
no uncertain terms that the jury  
convict.

"We have already proved," he  
said, "that there was violation  
of the copyright laws of the  
United States in this case. We  
ask a verdict of guilty."

*Look*  
*H. H. Scott*

661-1111

## **Court Convicts The 'Mad Marxes'**

LOS ANGELES, (AP)—Groucho and Chico Marx, movie comedians, were convicted in Federal Court yesterday of infringing on a copyright in a radio broadcast—a verdict that Groucho said in tragic tones "might mean a jail jolt for us."

After the verdict, he and Chico, equally serious, had nothing to say.

The misdemeanor conviction carries a maximum fine of \$1,000 or maximum jail sentence of one year, or both.

Judge George Cosgrave said sentence would be imposed next Monday. Defense counsel declared they would ask for a new trial.

While the jury was out the Marx brothers solemnly told reporters they had been in "show business" for many, many years and never had any idea of "stealing" anything.

So far as could be determined, this is the first time in the history of the Hollywood film colony that any one has been convicted of plagiarism charges. There have been many civil suits for damages, charging theft of literary material.

# Glum Groucho & Chico Marx Await Sentence in Theft of Radio Skit

By United Press

HOLLYWOOD, Nov. 1—Groucho and Chico Marx were called into Federal Court today to be sentenced for violating the copyright law.

Groucho's false mustache and Chi-

co's little peaked hat were missing. Groucho was the merry twinkie gone from their wide eyes and both shook their heads dourly. Groucho said something about it being serious business and he looked as if he expected the worst.

## APPEAL EXPECTED

Maximum penalty for the offense is a year's imprisonment and a \$1000 fine. There was little likelihood the celebrated comedians would go to jail soon, because their attorney was preparing to appeal from their conviction.

They were at liberty under \$1000 bond each awaiting sentence after a jury found them guilty in 45 minutes Saturday of using a skit for a radio broadcast without paying for it.

## A DIRECT STEAL

The accusers who said they composed the skit were also brothers. Garret and Carol Graham. The Marx Brothers presented it as "The Hollywood Adventures of Mr. Dibble and Mr. Dabble" and the Graham brothers said it was a direct steal from a script they had submitted to the Marxes for approval.

It was the first conviction on copyright infringement charges in several years at the movie colony.

## ONLY 2 INVOLVED

Only two of the original team of four Marx brothers were involved—Groucho, identified with the thick "mustache" of paint, and Chico, whose specialty is Italian dialect. Harpo, the mute member of the team whose forte is pantomime, had no part in the radio performance. Zeppo has quit the act to become the business agent.

The broadcast was Sept. 1, 1934.



GROUCHO MARX

Groucho testified he first read the Graham brothers' script in 1935, but did not use it because he had no radio program scheduled. When he did have occasion for such a story, he said, he asked Al Boasberg, radio writer, to prepare a script and the result was "The Adventures of Mr. Dibble and Mr. Dabble."

The Graham brothers said it was their story "beyond a doubt" and the jury agreed.

## Marx Brothers Case Near Jury

## Closing Arguments in Copyright Trial Scheduled for Today

Closing arguments in the trial of Groucho and Chico Marx, film and radio comedians, are to be made today and the copyright infringement criminal case is expected to go to the jury by noon.

Both defendants vehemently denied guilt when they took the witness stand yesterday.

Testimony in United States District Judge Cosgrave's court disclosed that the Marx brothers and their radio script writer, the late Al Boasberg, read the skit in dispute in August, 1935, but disregarded it because their plans to go on the radio were postponed for a year.

The script, "The Hollywood Adventure of Mr. Dibble and Mr. Dabble," written by Garrett and Carroll Graham, brothers, assertedly was presented almost word for word in a nation-wide broadcast by the two Marx brothers on September 1, 1936. Asst. U.S. Atty. Eardley charged.

*[The page contains faint, illegible markings and a large handwritten mark resembling "A" or "H" at the bottom right.]*

OCT 30 1937



# Marx Brothers Ask Advice On Best Prison

Film comedians Groucho and Chico Marx carried their comedy roles into court yesterday, where they are defendants on a charge of criminal copyright infringement, but their humor failed to enthrall stern-visaged Federal Judge George Cosgrave.

The pair are charged with appropriating a copyrighted skit, "The Adventures of Mr. Dibble and Mr. Dabble," written by Carroll and Garrett Graham, film writers, who were the principal Government witnesses.

"Why, Judge, we never stole anything in our lives . . ." Groucho said with expressive gestures. "Why, we pay and pay and pay . . ."

"That will be enough of that," the Federal jurist said, and for the first time in the trial, the smile on Groucho's face turned to a look of deep concern.

During the recess a few minutes later, the film comedian lighted a cigarette and asked a reporter:

"What's the limit we can get on a rap like this, and what's the best prison? What I mean is, where are the most bridge players. That fellow Culbertson is a sucker."

The advantages of the western prisons were outlined to the film player who laughed it off with the remark: "This is a cinch. We'll beat this rap easy."

Both the Marx brothers testified they had read the script written by the Grahams, early in 1935, but had not used it because they had no radio sponsor at that time.

"Early in 1935, we got a spot on the radio and a sponsor," Groucho said.

"We contracted with Al Boasberg to write a script for us and agreed to pay him \$500. He wrote one and we accepted it. It apparently didn't have any similarity with the skit submitted by the Grahams."

The prosecution is the first in the history of the Los Angeles Federal courts on an offense of the kind, although hundreds of copyright infringement suits have been filed.

Maximum sentence upon conviction is one year imprisonment and \$1000 fine.

# 2 MARX BROS. FOUND GUILTY OF PIRATING

Groucho and Chico Convicted on  
Charge of Violating Federal  
Laws Covering Copyrights

FACE ONE-YEAR JAIL TERM

Movie Comedians Will Appeal  
Verdict; Pair to Appear  
Tomorrow for Sentence

Groucho and Chico Marx, who earn fabulous sums by being funny, didn't feel a bit mirthful yesterday.

A jury in Federal Judge George Cosgrave's court took just 47 minutes to find the Marx brothers guilty of violating the Federal copyright laws.

The two, among the most highly paid entertainers in the world, were charged with converting to their own use a radio farce which had been submitted to them for possible purchase.

They face a penalty of a year in jail or \$1000 fine. Judge Cosgrave instructed the Marxes to appear tomorrow for sentence.

## WILL APPEAL

"We'll appeal," declared Groucho, unsmiling and not at all the waggish fellow who "wins" movie audiences. "We'll demand a new trial."

The specific offense of which Groucho and Chico were accused was theft of material from a skit, "Mr. Dibble and Mr. Dabble," written by Carroll and Garrett Graham, authors of "Queer People," a fictionized expose which rocked Hollywood a decade ago.

In instructing the jurors, Judge Cosgrave admonished them:

"Don't be afraid to bring in a verdict."

## LEAPS TO FEET

At that, Defense Attorney Clyde Thomas leaped to his feet in protest:

"Your honor," he cried, "that certainly can be taken to mean 'Don't bring in a guilty verdict.' I wish to take exception to it."

"The admonition," Judge Cosgrave replied coolly, "could refer to any verdict, guilty or innocent."

Shortly before the jury began its deliberations, Groucho had sauntered through the corridors, inquiring, with a wide grin, "Where can we find a jail where the boys play the right kind of bridge?"

But his expression changed as he watched the sober visages of the jurymen.

Groucho sat with his face buried in his hands as the judge delivered his instructions.

Chico fidgeted nervously in his chair and played with a pencil.

Assistant United States Attor-

*EW*

*W. Scott*

*7-10-36*

*J*

## 'Might Mean Jail Jolt for Us'



**GROUCHO (LEFT) and CHICO MARX PUT FINGER ON THEMSELVES.**

In inimitable poses, not subject to copyright, the comedians strike a wistful attitude, but that mirthful mood was before

jury found them guilty of stealing material from copyrighted skit.

## 2 Marx Brothers Found Guilty, Face Jail Term

(Continued From Page One)

ney Carl Eardley made a vigorous demand for conviction.

"We have already proved," he said, "that there was violation of the copyright laws of the United States in this case. We ask a verdict of guilty."

Groucho admitted he was "thunderstruck" at the verdict.

"This is a serious business,"

he said, "It might mean a jail jolt for us."

And Hollywood was trying last night to assimilate that possibility. The Marx Brothers in jail—off the screen—was something bordering on lese majeste, in the opinion of many of the film folk.

Groucho, Chico and Thomas cantered last night on plans for the attempt to win a new trial.

## Groucho and Chico To Appear for Sentence Today

Groucho and Chico Marx, two-thirds of the Marx Brothers comedy team, will play roles in what they glumly insist is a tragedy today when they appear in Federal Court to be sentenced for criminal infringement of the copyright laws in connection with a radio skit. They face a maximum penalty of a \$1000 fine or one year in jail, or both.

It took a jury in Federal Judge George Cosgrave's court just 45 minutes—less time than it takes to show a Marx Brothers picture—to convict the comedy team.

Garrett and Carrol Graham, brothers, said the two Marx brothers used the skit, entitled "The Hollywood Adventures of Mr. Dibble and Mr. Dabble," without paying the Grahams for it.

It was expected attorneys for the comedians would appeal the verdict. The conviction was the first obtained here in several years, although several dozen copyright infringement trials have been held locally.

Both Marxes were at thirty under \$1000 bail each.

7

POSTAL

OCT 30 1937

P 00TMM11 19 COLLECT VIA MACKAY RADIO

FN LOSANGELES CALIF 1141A PCT 33 1

DIRECTOR

FBI JUSTICE WASHN DC

GROUCHO MARX ETAL COPYRIGHT. JURY RETURNED VERDICT GUILTY AGAINST  
BOTH DEFENDANTS HERE TODAY SENTENCING DEFERRED UNTIL NOVEMBER FIRST  
HANSON..

327P

RECORDED

28-399-16

FEDERAL BUREAU OF INVESTIGATION		
NOV 4 1937 P.M.		
U. S. DEPARTMENT OF JUSTICE		
SEARCHED	INDEXED	FILE

Mr. Nathan	
Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Harbo	
Mr. Hendon	
Mr. Jones	
Mr. Mumford	
Mr. Quinn	
Mr. Nease	
Mr. Gandy	

POSTAL  
NOV -1 1937

W22 19 COLLECT GOVT

FM LOSANGELES CALIF 435P NOV 1 1937

DIRECTOR FEDERAL BUREAU OF INVESTIGATION

US DEPT OF JUSTICE(VIA MACKAYRADIO)

GROUCHO MARX ETAL COPYRIGHT USDC HERE JUST IMPOSED SENTENCE ONE  
THOUSAND DOLLARS EACH DEFENDANT STAND COMMITTED UNTIL PAID  
HANSON..

RECORDED

28-399-15

FEDERAL BUREAU OF INVESTIGATION

NOV 2 1937

U.S. DEPARTMENT OF JUSTICE

INDEXED TWO FILE

## 2 Marx Brothers Face Trial Today

Indicted by the Federal grand jury on charges of copyright "piracy," Groucho and Chico Marx, stage, radio and film comedians, today are scheduled to go to trial before a jury in the court of Federal Judge George Cosgrave.

The Marx Brothers allegedly broadcast over a nationwide hook-up a copyrighted radio skit, "The Hollywood Adventures of Mr. Dibble and Mr. Dabbie," allegedly written by Carroll and Garrett Graham, Hollywood writers.

## Groucho and Chico Tell True Names

### *Pair Deny Charge of U. S. Copyright Infringement*

Groucho and Chico Marx of the famed Marx brothers, made personal appearances in United States District Judge George Cosgrave's court yesterday, pleaded not guilty to charges of copyright infringement and revealed their true names.

"Groucho Marx," is that your true name?" queried Court Clerk Cross, in reading the indictment.

"No, I'm Julius Marx," said Groucho.

Chico made known that he is Leo Marx. Following the pleas of not guilty, trial of the Marx brothers, Groucho and Chico, or Julius and Leo, was set for October 23. They are represented by Loyd Wright. Assistant United States Attorney Carl Hardley represents the Government.

The Marx brothers are charged with unlawfully appropriating a radio skit and broadcasting it nationally.



**Federal Bureau of Investigation  
United States Department of Justice**

**Washington, D. C.**

HES:TD  
2:20 P.M.  
28-399

October 19, 1937

MEMORANDUM FOR MR. TAMM

Re: Groucho Marx, et al  
COPYRIGHT ACT.

Reference is made to my memorandum dated October 16, 1937, advising that Miss Healey, of Mr. Parrish's Office, Criminal Division of the Department, had called me relative to the status of the above entitled case.

Upon receipt of a telegram dated October 16, 1937 from the Los Angeles Office advising that the motion to dismiss the indictment had been denied and that the defendants were to plead not guilty on October 18th, the trial being set for October 28, 1937, I immediately called Miss Healey and advised her of this information, at which time she stated she would give this information to both Mr. Parrish and Mr. Butler.

At 3:00 P.M. on the same date, Mr. Butler called to verify this information and I also gave him the information set forth in this telegram and informed him that as soon as a report was received a copy thereof would be immediately forwarded to him.

Respectfully,

*H. E. Scott*

H. E. Scott

RECORDED

28-399-14  
FEDERAL BUREAU OF INVESTIGATION

OCT 23 1937 A.M.

U. S. DEPARTMENT OF JUSTICE

INDEXED

FILE

POSTAL

OCT 16 1937

0

W16 24 SOVT COLLECT VIA MACKAY RADIO

FM LOSANGELES CALIF 130P OCT. 16 1937

DIRECTOR

FBI JUSTICE WASHN DC

GROUCHO MARX ETAL COPYRIGHT. MOTION TO DISMISS DENIED. DEFENDANTS  
TO PLEAD NOT GUILTY OCTOBER EIGHTEENTH. TRIAL TO BE SET FOR  
OCTOBER TWENTY EIGHTH

HANSON..

503P

RECORDED

28-397-14	
FEDERAL BUREAU OF INVESTIGATION	
OCT 23 1937 A.M.	
U. S. DEPARTMENT OF JUSTICE	
SEARCHED	FILE
SERIALIZED	INDEXED
10-16-37	

10/27/37  
HES

FD-111  
10-379

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

To: COMMUNICATIONS SECTION.

OCTOBER 16, 1937

Transmit the following message to: SAC,  
LOS ANGELES.

*ag*  
GROUCH HARK, ETAL, SUPERIOR ACT. SUBMIT REPORT IMMEDIATELY REFLECTING  
STATUS INSTANT CASE REGARDING ARGUMENT MOTION FOR DISMISSAL OF INDICTMENT.

*jo*  
RECEIVED

RECORDED

28-397-13
FEDERAL BUREAU OF INVESTIGATION
OCT 16 1937 A.M.
U. S. DEPARTMENT OF JUSTICE
FILE

Mr. Nathan
Mr. Tolson
Mr. Robinson
Mr. Clegg
Mr. Coffey
Mr. Crowl
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Hendon
Mr. Lester
Mr. Malone
Mr. Nathan
Mr. Nichols
Mr. Pennington
Mr. Schilder
Mr. Tracy
Miss Gandy

SENT VIA

WESTERN UNION

46  
7

LL  
HRS

**Federal Bureau of Investigation**  
**United States Department of Justice**  
**Washington, D. C.**

HES:LL  
28-399

Mr. Nathan \_\_\_\_\_  
Mr. Tolson \_\_\_\_\_  
Mr. Clegg \_\_\_\_\_  
Mr. Coffey \_\_\_\_\_  
Mr. Glavin \_\_\_\_\_  
Mr. Ladd \_\_\_\_\_  
Mr. Nichols \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Tracy \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

Date October 16, 1937  
10:55 A. M.

MEMORANDUM FOR MR. TAMM

Re: GROUCHO MARX, et al;  
COPYRIGHT ACT.

Miss Healy in Mr. Parrish's office of the Criminal Division called, requesting to know if the Bureau had received any information subsequent to the report of Special Agent Lish Whitson, dated August 19, 1937, at Los Angeles, California, in the above entitled matter. I advised her I did not know offhand whether a report had been received, but that I did know the Bureau was in receipt of several newspaper clippings relative to this case.

I called this file and ascertained that the Bureau had not received a report since that of Agent Whitson, and Miss Healy was advised to this effect. At this time, she referred me to Mr. Butler in the Criminal Division, and I informed him that from a newspaper clipping which appeared in the Los Angeles Daily News for September 26, 1937, it appeared the court at Los Angeles had taken under submission a motion for dismissal of an indictment charging the Marx Brothers with violation of the Copyright Act. I further informed him this newspaper clipping indicated that the Marx Brothers had declared through their attorneys that if the motion for dismissal is denied they will plead not guilty and ask for an early trial.

Mr. Butler stated that apparently from the information he had received this motion had been decided, and said he would greatly appreciate it if this Bureau would ascertain the status of this case at the present time. Accordingly, I have prepared a telegram for the Los Angeles office, requesting it to submit a report immediately reflecting the status of this case, and I informed Mr. Butler that immediately upon receipt of a report, a copy would be forwarded to the Criminal Division.

RECORDED

Respectfully,  
FEDERAL BUREAU OF INVESTIGATION

OCT 18 1937 P.M.

DEPARTMENT OF JUSTICE

Signature

H. E. Scott.

FILE

28-399-11X

No. 1

los/la

Bu. File #

October 6, 1937

United States Marshal,  
Los Angeles, Calif.

Dear Sir:

Referring to fingerprints forwarded by you, please be advised that an examination of the fingerprint records of the Federal Bureau of Investigation fails to disclose any data concerning the following:

#3922 Julius F. Marx

Copy to:  
Re. Field Div.,  
Los Angeles,  
Calif.

CC-Bureau

RECORDED

&

INDEXED

28-399-11X

Very truly yours,

OCT 1937

John Edgar Hoover,  
Director.

FILE

COMMUNICATIONS SECTION  
MAILED

OCT 6 - 1937

P. M.  
FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE

# Groucho, Chico Marx Face Federal Court

Dramatic, not comedy roles, are to be played today by the fun-making Groucho and Chico Marx. The comedians are scheduled to



**GROUCHO MARX**  
*Faces Copyright  
Infringement Charge*

make a personal appearance before United States Judge George Cossgrave to answer charges of infringement of copyright laws. The brothers are charged in a

grand jury indictment of unlawfully using a copyrighted sketch entitled "The Hollywood Adventures of Mr. Dibble and Mr. Dabble" on a radio broadcast without permission of the owners.

According to Assistant United States Attorney Carl Kardley, who has been assigned by United States Attorney Benjamin Harrison to prosecute the case, he will seek an early trial if Groucho and Chico enter a plea of not guilty.

Garrett and Carol Graham, writers of the skit, will be the chief witnesses for the government.

The Marx brothers will be represented by Attorneys Lloyd Wright and Charles Millikan, who declare their clients deny the charges.



**CHICO MARX**  
*Up to Fight Radio Skit Charges*

## 2 Marx Brothers May Plead in Copyright Case

Facing charges of copyright infringement, two of the four Marx Brothers — Groucho and Chico — are expected to plead before Federal Judge George Cosgrove today.

In the Federal indictment the two brothers are accused by Garrett and Carol Graham, writers, with asserted unauthorized use in a national radio broadcast of a script titled "The Hollywood Adventures of Mr. Middle and Mr. Daddie."

The Marxes have indicated they would plead not guilty and ask for an early trial.

*ent*  
*Scott*

# 'Day in Court' With Two Marxes

## First Round Won by Comedy Pair



Things were looking up for Comedians Groucho and Chico Marx in Federal Judge George Cosgrave's court yesterday when the jurist took under submission a motion for dismissal of an indictment charging the screen pair with "lifting" portions of a radio script written by Carol and Garrett Graham.

Attorneys for the fun-producers argued the indictment failed to set forth a sufficient cause of action.

The "lifted" matter was said to have been used by the Marxes in a broadcast over a national radio chain last March. The comedians, however, denied the broadcast contained any copyrighted matter.

The Marxes declared, through their attorneys, that if the motion for dismissal is denied they will plead not guilty and ask for an early trial.

A RESPITE FROM LEGAL DIFFICULTIES granted yesterday left Groucho (left) and Chico Marx free to spend their days at the races and their nights at the opera unhindered by court appearances for 25 days. Federal Judge George Cosgrave gave them that long to prepare new arguments when he took under advisement a motion for dismissal of copyright infringement charges.

—Daily News Photo.



## FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

LOS ANGELES

L.A.

FILE NO. 28-109

REPORT MADE AT LOS ANGELES	DATE WHEN MADE 8-19-37	PERIOD FOR WHICH MADE 7-22-37	REPORT MADE BY LISH WHITSON AB
TITLE GROUCHO MARK, ET AL			CHARACTER OF CASE COPYRIGHT ACT

## SYNOPSIS OF FACTS:

GROUCHO MARK expected to return from Hawaii in August, 1937. U. S. Marshal expects him to surrender upon arrival.

- P -

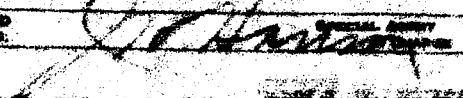

## REFERENCE:

Report of Special Agent James R. Findley,  
Los Angeles, 5-5-37.

## DETAILS:

Deputy United States Marshal GEORGE ROSSINI stated that the United States Marshal's Office had information that GROUCHO MARK was expected to return to Los Angeles from Hawaii in August, 1937, and that the Marshal's Office had been informed that he would surrender immediately upon his arrival here.

The records of the Clerk, U. S. District Court, Los Angeles, show no action taken since April, 22, 1937 when the bond of GROUCHO MARK was filed.

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
		47-379-11 AUG 23 1937	
COPIES OF THIS REPORT			
3 Bureau 1 U.S. Atty, L.A. 1 Los Angeles			

UNDEVELOPED LEAD:

THE LOS ANGELES DIVISION, at Los Angeles, will follow further prosecutive action, and set out description of subject GROUCHO MARX when obtained.

- P E N D I N G -

BEST COPY AVAILABLE

7-12-37

7-12-37

July 12, 1937

Special Agent in Charge,  
Los Angeles, California.

RE: GEORGE HARRIS;  
CHICO HALL;  
COPYRIGHT ACT.

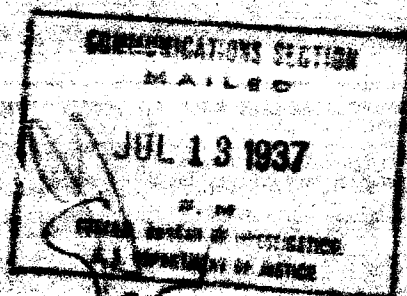
Dear Sir:

The Bureau desires that it be advised as to  
the exact status of this case at the present time.

Very truly yours,



John Edgar Hoover,  
Director.



RECORDED

28-399-10

JUL 12 1937

U. S. DEPARTMENT OF JUSTICE

FILE

BEST COPY AVAILABLE

# FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

LOS ANGELES, CALIFORNIA

L.A. FILE NO. 88-100

ONE

REPORT MADE AT <b>LOS ANGELES, CALIF.</b>	DATE WHEN MADE <b>5/6/37</b>	PERIOD FOR WHICH MADE <b>4/7, 14, 26/37</b>	REPORT MADE BY <b>J. G. FINDLAY</b>
TITLE <b>GEORGE MARK; CHICO MARK</b>			CHARACTER OF CASE <b>COPYRIGHT ACT</b>

**SYNOPSIS OF FACTS:**

This case was presented to the United States Grand Jury on April 7, 1937, and a true bill of indictment was returned on April 14, 1937, charging both Subjects with violation of Title 17, Section 28, U.S.C.A. **CHICO MARK** surrendered and made \$1,000.00 bond on April 15, 1937. **GEORGE MARK** now in Honolulu; has informed United States Marshal that he will surrender as soon as he returns to the United States.

- P -

**REFERENCE:**

Report of Special Agent J. J. McGuire, Los Angeles, dated March 14, 1937; Bureau letter dated April 10, 1937 (88-549).

**DETAILS:**

**AT LOS ANGELES, CALIFORNIA**

On April 7, 1937, this matter was presented to the United States Grand Jury sitting at Los Angeles, and on April 14, 1937, a true bill of indictment was returned charging a

APPROVED AND FORWARDED <i>J. A. Harrison</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT		28-399-19
3 - Bureau		MAY 10 1937
1 - U. S. Attorney - Los Angeles		
2 - Los Angeles		
<i>cc. [unclear] 7/4/37</i>		

violation of Title 17, Section 23, U.S.C.A., in one count.

On April 15, 1937, CHICO MARK surrendered to the United States Marshal at Los Angeles and posted a \$1,000.00 bond for his appearance for trial.

CHICO MARK is in Honolulu and has been for approximately one month. CHICO MARK's attorney, speaking for CHICO MARK, informed the United States Marshal that CHICO MARK would surrender and make bond as soon as he returns from Honolulu and that it was expected that he would return from Honolulu about May 1, 1937.

The following description of CHICO MARK was taken from the records of the United States Marshal, Los Angeles:

NAME	CHICO MARK
Age	20
Height	5' 10"
Weight	145 lbs.
Build	Stocky
Hair	Brown
Eyes	Blue
Nationality	American-born citizen
Arrested At	U.S.M. Los Angeles, JULY, April 15, 1937

The description of CHICO MARK is not being set forth in this report as his attorney has promised to surrender him as soon as he returns, at which time an official description will be obtained.

#### UNDEVELOPED LEADS

#### LOS ANGELES OFFICE

AT LOS ANGELES, CALIFORNIA, this matter will be kept in mind and report of results at the time Subjects are arraigned will be made. Outstanding leads will be kept in mind and followed in order that the investigation may be fully completed before the case is set for trial.

- PENDING -

## 2 Marx Boys' Radio Skit Under Probe

Evidence that Groucho and Chico Marx, film comedians, infringed the copyright of a radio skit by their use of the material over a national radio hookup, was to be further reviewed by the Federal Grand Jury next Wednesday, it was disclosed last night.

A civil suit naming the Marxes, the Don Lee Broadcasting Company, the Columbia Broadcasting System and the R. G. Reynolds Tobacco Company, the latter the sponsor of the radio program, has been filed by Attorney Russell Graham, brother of Carroll and Garrett Graham, plaintiffs in the action and asserted authors of "The Hollywood Adventures of Mr. Dibble and Mr. Dabbie."

The complaint charged that the Marxes, in a radio broadcast last September 1, used part of the material contained in a 26-unit script and thus damaged the remainder of the narrative for further use.

Garrett Graham, with the assistance of his brother, assertedly copyrighted the story on April 10, 1934, the suit set forth. Damages of \$25,000 are asked.

In answer, the Marxes contended that the script used by them had been written by Al Hershberg in collaboration with the Graham brothers, and it was authorized by Hershberg.

# Indict 2 Marx Bros. On Copyright Charge

Groucho and Chico Marx, two of the four Marx brothers of screen and stage fame, today were indicted by the federal grand jury for asserted violation of the national copyright laws.

They are accused of having broad-



**GROUCHO MARX**  
*Indicted on Copyright Charge*

cast the opening episode of a comedy skit, "The Hollywood Adventures of Mr. Dibble and Mr. Dabble," written by Garrett Graham and his brother, Carroll Graham, authors of two best-selling novels, "Queer People" and "Whitely," satirizing Hollywood, of a few years ago.

The Graham brothers have charged that the use of the opening episode of the radio skit destroyed the entertainment value of the other 25 installments.

Action by the grand jury followed the filing recently of a \$26,000 damage suit by the Graham brothers against Groucho and Chico Marx, the Columbia Broadcasting System, Don Lee Broadcasting Co. and the R. J. Reynolds Tobacco Co.

The suit has been set for trial on April 27.

The Graham brothers have charged that the opening episode of the skit was broadcast on a nation-wide hookup last Sept. 1.

The two Marx brothers, in their answer to the civil suit, entered a general denial to the copyright infringement charge. They said the script used by them had been written by Al Boasberg, noted Hollywood author, in collaboration with the Graham brothers, and contended use of the script was authorized by Boasberg.

Following indictment, warrants for the arrest of the two Marx brothers were issued and bail set at \$1000 each.

Assistant United States Attorney William Fleet Palmer, who presented the case to the grand jury, said that, if Groucho and Chico Marx are convicted, they face sentences of not more than 100 days in jail, maximum fines of \$1000 or both.



**CHICO MARX**  
*Accused Over Radio Skit*

*Emor*  
*Acord*  
*M*

*28-* *7-11* *T*

## Two Marxes indicted

Groucho and Chico Marx, of the film comedy team were indicted by the federal grand jury today on charges of violating the copyright law.

Evidence on which the indictment was based had to do with the asserted use of the Marx brothers of a radio broadcast entitled "The Hollywood Adventures of Mr. Dibble and Mr. Dabble," written by Garrett and Carroll Graham.

Bond was set at \$1000 each and bench warrants were issued against the two defendants.

The charge against them carries a possible fine of \$100 to \$1000 and jail sentence of not less than one year in event of conviction.

*West*

*Reynolds*  
*4/11*

*27-11-11*

*T*

*2/11*



## MARX BROTHERS 2 Indicted On Skit

LOS ANGELES (AP)—The Federal Grand Jury yesterday indicted two of the Marx brothers, Groucho and Chico, on charges of violating the national copyright laws, a misdemeanor.

They are accused of broadcasting last September a skit (Mr. Daffie and Mr. Daffie) without permission of the writers, Garrett and Carroll Graham.

Warrants for the arrest of the Marx brothers were issued and bail was set at \$1,000 each.

William Fleet Palmer, assistant federal attorney, said convictions on the charges carry sentences of not more than 100 days in jail, maximum fines of \$1,000 or both.

*Int*

*McDade*

*M*

*79-11*

*T*

NEWARK LEDGER  
NEWARK, N. J.  
4-15-37

936 RAYMOND-COMMERCE BLDG.  
NEWARK, N. J.

# Two Marxes Indicted Under Copyright Law

Los Angeles, April 14 (AP).—The Federal Grand Jury today indicted two of the Marx brothers, Groucho and Chico, on charges of violating the national copyright laws, a misdemeanor.

They are accused of broadcasting over the radio last September a skit, "Mr. Diffie and Mr. Daffie," without permission of the writers, Garrett and Carroll Graham.

Warrants for the arrest of the Marx brothers were issued and bail was set at \$1,000 each.

William Fleet Palmer, assistant federal attorney, said convictions on the charges

carry sentences of not more than 30 days in jail, maximum fines of \$5,000 or both.

The Graham brothers recently



Groucho  
Marx

filed a \$26,000 damage suit against Groucho and Chico Marx, the Columbia Broadcasting System, Don Lee Broadcasting Co. and the R. J. Reynolds Tobacco Co. in connection with presentation of the skit.

The Marx brothers, answering the civil suit, denied the copyright violation charges, declaring the script they used was written by Al Boasberg, Hollywood author in collaboration with the Graham brothers, and that Boasberg authorized their use of the script.

NEW YORK DAILY NEWS

Forwarded by New York Office

APR 15 1937

28-697

*Handwritten notes:*  
E. J. [unclear]  
[unclear]  
1/10

**U. S. Jury Indicts  
2 Marx Brothers**

Los Angeles, April 14 (AP).—The Federal grand jury today indicted two of the Marx brothers, Groucho and Chico, on charges of violating the national copyright laws, a misdemeanor.

They were accused of broadcasting a radio skit without permission of the writers. Warrants for their arrest were issued and bail was set at \$1,000 each. Conviction carries a sentence of not more than 100 days in jail, a maximum fine of \$1,000 or both.

WASH POST

APR 15 1937

377-4  
38  
E. E. J.

## Chico Marx Bonded For U. S. Trial

### *Radio Infringement Of Copyright Charged*

LOS ANGELES, April 15 (U.S.). Chico Marx, named with his brother, Groucho, in a Federal indictment charging copyright infringement, surrendered at the United States Marshal's office today.

After being fingerprinted, he posted a \$1,000 surety bond.

Groucho, he said, is enroute to Honolulu and will surrender on his return.

The Marx brothers were alleged to have broadcast a radio skit last September, "The Hollywood Adventures of Mr. Dibble and Mr. Dabble," without the permission of the authors, Garrett and Carroll Graham, brothers.

Cat

58 277-10

# Chico Marx Offers Bond

## Groucho's Return From Hawaii Awaited Next in Radio Script Case

Chico Marx's fingerprints went to Washington, D. C., \$1000 of his money earned as a stage and screen comedian went into Federal coffers as bond, and the actor himself went home yesterday as first steps of the copyright infringement case against him and his brother Groucho were concluded.

### GROUCHO IN HAWAII

Now Chico must wait until the Marx brothers' attorney cables Groucho in Honolulu to return for similar fingerprinting and eventual arraignment on charges of illegally presenting somebody else's comedy skit over the radio.

Asst. U. S. Atty. Jack L. Powell said that Chico will not reappear until he and Groucho return to court together. Both assertedly broadcast the play, "The Hollywood Adventures of Mr. Dibble and Mr. Dabble," without permission of the copyright owners.

### DAMAGES ASKED

Damages of \$26,000 have been asked of the pair by Garrett and Carol Graham, who declare they wrote the skit. Despite the Marxes' insistence that they had authority to broadcast the script, a Federal grand jury indicted them.

## COMEDIAN FINGERPRINTED



Fingerprints of Chico Marx were sent to Washington yesterday and he posted \$1000 bond in copyright case. Deputy Marshal Haugh is "printing" him. Times photo

## CHICO MARX FINGERPRINTED

Chico Marx, named with his brother, Groucho, in a Federal indictment returned Wednesday charging copyright infringement, surrendered at the United States marshal's office yesterday.

After being fingerprinted, he posted \$1000 surety bond.

Groucho, he said, is en route to Honolulu, and will surrender on his return.

The Marx brothers were alleged

to have broadcast a radio skit last September, "The Hollywood Adventures of Mr. Dibble and Mr. Dabble," without the permission of Garrett and Carroll Graham, who claim to be its authors

S

m

## The Joke Is on Them



**CHICO MARX (left)** and Brother Groucho, of the famous film comedy team, were indicted yesterday by the Federal Grand Jury on charges of violating the copyright law in asserted use of a radio broadcast entitled "The Hollywood Adventures of Mr. Dibble and Mr. Dabble." (Story on Page 2.)

## Marx Boys To Answer Jury Charges

(Picture on Page 1)

Early surrender of Chico and Groucho Marx on bench warrants issued following their indictment on copyright infringement charges by a Federal Grand Jury yesterday, was promised last night by their attorney, Lloyd Wright.

Chico, reported to be in Hollywood, may appear to post bail of \$1000 today, Wright announced. The film and radio comedians must answer charges of Garrett and Carroll Graham, co-authors of "The Hollywood Adventures of Mr. Dibble and Mr. Dabble," that the skit was presented without authorization over the radio recently by the two Marx brothers. Groucho was reported en route to Honolulu.

The Graham brothers' charges, said to be substantially the same as contained in their recent \$25,000 civil action against the Columbia Broadcasting System, the E. G. Reynolds Tobacco Company, the Don Lee Broadcasting Company and the two Marx brothers, carry a possible fine of \$1000 and a sentence of not more than a year in jail.

In their answer to the civil suit, scheduled for trial April 27, the Marx brothers claimed Al Boasberg, who they said collaborated on the script, gave them authority to use it.

76-399

# Jury Indicts Two Marxes

**Copyright Violation  
Laid to Groucho and  
Chico, Comedians**

Groucho and Chico Marx, film comedians, yesterday were named in an indictment returned by the Federal grand jury accusing them of copyright infringement in connection with the use of a radio skit, and were ordered to post \$1000 bail each pending their appearance for pleading next Monday.

The indictment specifically charges the Marx brothers with having illegally given a radio skit over Station KHJ and the Columbia Broadcasting System last September 1.

## **TITLE OF SKIT**

The skit was titled "The Hollywood Adventures of Mr. Dibble and Mr. Dabble."

The accusation was brought against the Marx brothers by Garrett and Carol Graham, Hollywood writers, who assert they wrote and copyrighted the skit in 1934 as the first of a series of twenty-six skits they planned to put on the air.

## **CIVIL ACTION FILED**

A civil action for \$25,000 damages was filed by the Graham brothers against the Marx brothers last October 16.

In answering the suit, the Marx brothers denied the asserted infringement, contending that the skit was written by Al Boasberg in collaboration with the Graham brothers, and that the skit was used by them with Boasberg's permission.

## **NOT SO FUNNY**



Groucho Marx, above, was indicted yesterday with his brother Chico on copyright infringement charges.



Chico Marx, indicted with his brother Groucho, denies the comedians infringed a radio skit copyright.

*Wes*  
*McDade*  
*7/10*



## Chico Marx Freed On \$1,000 Bond in Copyright Case

LOS ANGELES, April 18 (U.N. S.).—Chico Marx, named with his brother, Groucho, in a Federal indictment charging copyright infringement, surrendered at the United States Marshal's office yesterday.

After being fingerprinted, he posted a \$1,000 surety bond.

Groucho, he said, is en route to Honolulu and will surrender on his return.

The Marx brothers were alleged to have broadcast a radio skit last September, "The Hollywood Adventures of Mr. Dibble and Mr. Dabble," without the permission of the authors, Garret and Carroll Graham, brothers.

*Earn*  
*Thompson*  
*4/18*

WASH. TIMES

WASH. TIMES

APR 18 1937

POSTAL

ag

Mr. Nathan	_____
Mr. Tolson	_____
Mr. Baughman	_____
Mr. Clegg	_____
Mr. Coffey	_____
Mr. Dineen	_____
Mr. Egan	_____
Mr. Foxworth	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Joseph	_____
Mr. Lester	_____
Mr. Nichols	_____
Mr. Quinn	_____
Mr. Schilder	_____
Mr. Tamm	_____
Mr. Tracy	_____
Mr. Egan	_____
Mr. Gurnea	_____

111

W26 23 GOVT COLLECT

APR 14 1937

FN LOSANGELES CALIF 14 331P

DIRECTOR

FBI JUSTICE WASHN DC

GROUCHO AND CHICO MARY COPYRIGHT ACT GRAND JURY TODAY

RETURNED TRUE BILL CONTAINING ONE COUNT TITLE SEVENTEEN

SECTION TWENTY EIGHT BOTH SUBJECTS

HANSON..

RECORDED

28-399-8

FEDERAL BUREAU OF INVESTIGATION

APR 16 1937 A.M.

U. S. DEPARTMENT OF JUSTICE

SEARCHED	INDEXED	FILE
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# **U. S. Jury Indicts 2 Marx Brothers**

*Wash Post 4-15-37*

Los Angeles, April 14 (AP).—The Federal grand jury today indicted two of the Marx brothers, Groucho and Chico, on charges of violating the national copyright laws, a misdemeanor.

They were accused of broadcasting a radio skit without permission of the writers. Warrants for their arrest were issued and bail was set at \$1,000 each. Conviction carries a sentence of not more than 100 days in jail, a maximum fine of \$1,000 or both.

Mr. Nathan	
Mr. Tolson	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Jones	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

28-377-18

WASH. P.

APR 15 1937

## FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

Los Angeles

FILE NO.

28-51

REPORT MADE AT Washington, D. C.	DATE WHEN MADE 4/6/37	PERIOD FOR WHICH MADE 3/24/37	REPORT MADE BY J. H. POLKINGHORN JHP:JGM
TITLE GROUCHO MARK CHICO MARK			CHARACTER OF CASE COPYRIGHT ACT

## SYNOPSIS OF FACTS:

Copyrighted sketch of "The Hollywood Adventures of Mr. Dibble and Mr. Dabble" not identical with photostatic copies of sketch obtained from Los Angeles Division, although the wording is practically the same.

- RUC -

## REFERENCE:

Report of Special Agent J. J. McQuire, dated at Los Angeles, California, March 16, 1937.

## DETAILS:

Reference report requested the Washington Field Division to compare photostatic copy of the copyrighted sketch "The Hollywood Adventures of Mr. Dibble and Mr. Dabble" with the sketch on file in the Copyright Office in the Library of Congress and if found to be identical, obtain a certified copy of same for production in Court.

Agent interviewed MR. LOUIS G. SMITH, Assistant Registrar of Copyrights, Library of Congress who informed Agent that the records of the Copyright Office show registration of a sketch entitled "The Hollywood Adventures of Mr. Dibble and Mr. Dabble" under Certificate of Registration No. 22,250,11 dated April 10, 1934; that the certificate was issued to Garrett Graham, Whittier, California, signed by William L. Brown, Acting Registrar of Copyrights. Mr. Smith informed Agent that a certified copy of the copyright deposit would cost \$10 and registration card cost would be \$1.

Agent compared photostatic copy and copyright deposit word for word and they were identical. On the page of the photostatic copy marked 2, in the

APPROVED AND FORWARDED <i>[Signature]</i>	DO NOT WRITE IN THESE SPACES 28-399-17 APR 10 1937 APR 11 - 5 PM <i>[Signature]</i>
COPIES OF THIS REPORT 3 Bureau 3 Los Angeles (encl.) (1 U.S. Atty. Los Angeles) 1 New York 3 Washington Field <i>cc Mr. [unclear] 4/10/37</i>	

lower right hand corner there is not shown any copyright deposit and the setting of the sketch is different.

Attached to the Los Angeles Division copies of this report is a copy of a Catalog of Copyright Entries wherein on page 134, under serial 2850, the sketch in question is registered. Also, a copy of the Copyright Law of the United States of America, wherein attention is called to Section 56 of same to the effect that the current catalog of Copyright entries and the index volumes herein provided for shall be admitted in Court as prima facie evidence of the facts stated therein as regards any copyright registration. It is suggested that in the event a certified copy of the Copyright deposit or registration card is required, that the United States Attorney request same through the Department in the usual manner on Voucher 1034. Mr. Smith says that this is the usual procedure in the event certified copies of documents from the Copyright Office are required.

REFERRED UPON COMPLETION TO THE DIVISION OF ORIGIN.

BEST COPY AVAILABLE

221.98

April 10, 1937.

RECORDED

22-379-6

Special Agent in Charge,  
Los Angeles, California.

Re: GEORGE HARR; SYCO HARR;  
COPYRIGHT ACT.

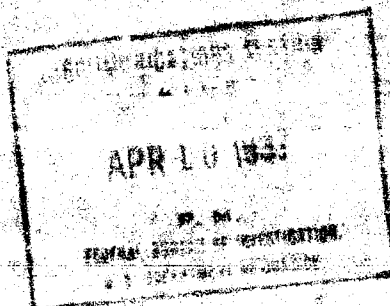
Dear Sir:

The report of Special Agent J. F. McQuinn, dated at Los Angeles, California, March 18, 1937, states that this case was discussed with the Assistant United States Attorney who advised that prosecution would probably be authorized upon completion of the investigation.

The Bureau desires to be advised immediately if prosecution is authorized in this case.

Very truly yours,

John Edgar Hoover,  
Director.



JK

AK

**Federal Bureau of Investigation**  
**United States Department of Justice**  
**Washington, D. C.**

REF:VVK

28-399

April 1, 1937.

MEMORANDUM FOR THE DIRECTOR

Re: GROUCHO MARX; CHICO MARX;  
COPYRIGHT ACT.

On November 2, 1936, Mr. Russell Graham, Attorney at Law, 756 South Broadway, Los Angeles, California, contacted the Los Angeles division of the Bureau and alleged that on September 1, 1936, Groucho and Chico Marx, radio and motion picture entertainers, presented a radio sketch on the R. J. Reynolds Tobacco Company's Camel Caravan nationwide broadcast at the Hollywood Music Box Theatre, through Station KHJ, Los Angeles, California, Hollywood outlet for the Columbia Broadcasting System, Rupert Hughes, announcer. The sketch was substantially the same as the radio serial comedy entitled, "The Hollywood Adventures of Mr. Dibble and Mr. Dabbie", Chapter One, copyrighted by Garrett Graham on April 10, 1934.

Mr. Graham averred that the Marx Brothers presented the sketch that had been written and copyrighted by Garrett Graham, with the knowledge that it was copyrighted material; that they gained this knowledge through negotiations had between the Marx Brothers and the Graham Brothers, Garrett and Carroll, for the use of the copyrighted sketch in a pending deal with the Rinso Soap Company, prospective sponsors of a radio serial. This was in 1935 and the Marx Brothers were to be employed as performers on a nationwide radio hookup. This deal fell through, but the Marx Brothers had been furnished with copies of the copyrighted manuscript.

Mr. Graham alleged that the program as presented on September 1, 1936, contained several minor changes that brought the sketch up-to-date; that it contained several new gags and that the names Dibble and Dabbie were changed to Groucho and Chico, but that the general theme was identical, including the announcer's prologue and that the greatest portion of the program was given verbatim from the original copyrighted article.

Copies of the program presented on September 1, 1936, and the original manuscript copyrighted by Garrett Graham were furnished to the Los Angeles

RECORDED

INDEXED

28-399-10  
APR 2 1937

Memo for the Director.

- 2 -

4-1-37.

division and it was noted that they were substantially identical. Mr. Graham advised that he had learned through a confidential source that when Groucho Marx had requested his gag writer, Al Broasberg, to get something ready for the Camel Caravan broadcast, Broasberg dug up the Graham Brothers' copyrighted story, brushed it off a bit, and handed it over to the Marx Brothers as an original story written by him.

Mr. Graham advised that a civil suit had been instituted by Garrett Graham and that in this suit the defendant alleged that Broasberg's rewrite of the copyrighted manuscript was and is an original composition.

The facts of this complaint were discussed with Assistant United States Attorney William Fleet Palmer, who advised that prosecution would probably be authorized under Section 28, Title 17, United States Code, upon completion of the investigation.

The master copy of the script for the Camel Caravan program is now in the possession of Mr. Donald W. Thornberg, of the Columbia Broadcasting System, Hollywood, California.

The Washington field division has been requested to obtain a certified photostatic copy of the manuscript copyrighted by Mr. Garrett Graham.

Respectfully,

  
P. E. Foxworth.





## FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **LOS ANGELES, CALIF.**N.Y. FILE NO. **28-103**

GU

REPORT MADE AT <b>NEW YORK CITY</b>	DATE WHEN MADE <b>3/24/37</b>	PERIOD FOR WHICH MADE <b>3/23/37</b>	REPORT MADE BY <b>E. O. SCHROEDER</b>
TITLE <b>GROUCHO MARX CHICO MARX</b>			CHARACTER OF CASE <b>COPYRIGHT ACT</b>

## SYNOPSIS OF FACTS:

Master copy of script for Camel Caravan program, September 1, 1936, being transmitted by Columbia Broadcasting System to Donald W. Thornberg, Vice-President, Columbia Broadcasting System, 5939 Sunset Blvd., Hollywood, Calif.

RUC

## REFERENCE:

Report of Special Agent J. J. McGuire,  
Los Angeles, Calif., March 16, 1937.

## DETAILS:

At COLUMBIA BROADCASTING SYSTEM, 485 Madison Avenue, New York City, agent was referred to numerous executives and finally interviewed Mr. GILSON GRAY, Commercial Editor, who secured from the file of Columbia Broadcasting System the master copy of the script for the CAMEL CARAVAN HOUR, September 1, 1936, on which program was presented the MARX BROTHERS in the sketch which is the subject of this investigation. Mr. GRAY advised that it is not the practice of the COLUMBIA BROADCASTING SYSTEM to give out either the master script or copies thereof to any individual or agency without the authorization and permission of the advertising agency which places the CAMEL programs or the attorneys for that agency or the particular entertainers who appear on the program - in this case, the MARX BROTHERS. However, arrangements were finally consummated with Mr. GRAY that he would transmit the original master copy of the script to DONALD W. THORNBURG, Vice-President of

APPROVED AND FORWARDED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE <i>[Signature]</i>	DO NOT WRITE IN THESE SPACES <b>28-1399-5</b>
COPIES OF THIS REPORT 3 - Bureau 2 - Los Angeles (1-USA Los Angeles) 1 - New York <i>CC TAV...</i>		<b>MAR 26 P.M.</b> <i>[Signature]</i>

22-158

COLUMBIA BROADCASTING SYSTEM, 5939 Sunset Boulevard, Hollywood, Calif., where it would be available for examination by Bureau agents and comparison with the copyrighted sketch of the GRAHAM BROTHERS on or about March 30, 1937. Mr. GRAY advised that in order to procure such access to the master script it would be necessary for the agents to produce a grand jury subpoena therefor.

UNDEVELOPED LEAD:

LOS ANGELES DIVISION

Will procure a grand jury subpoena addressed to DONALD W. THOMBERG, Vice-President, Columbia Broadcasting System, 5939 Sunset Boulevard, Hollywood, Calif. for the production of the master script of the CAMEL CARAVAN HOUR program of September 1, 1936 and will compare that document with the photostatic copies of the said script presently in the possession of the Los Angeles Field Division to ascertain whether or not the same are identical or comparable.

Will undertake such further action in regard to the procuring and retaining of the script for future use in prosecutive action as may be deemed necessary.

REFERRED UPON COMPLETION TO THE DIVISION OF ORIGIN

TELETYPE

28-399

March 22, 1937.

Special Agent in Charge,  
Los Angeles, California.

RE: <sup>0</sup>GEORGE HARK -  
COPYRIGHT.

Dear Sir:

The Bureau file in the above entitled case indicates that this case is not receiving prompt investigative attention in your district.

This matter should be placed in line for early investigative attention and you should submit a report to the Bureau at the earliest possible date.

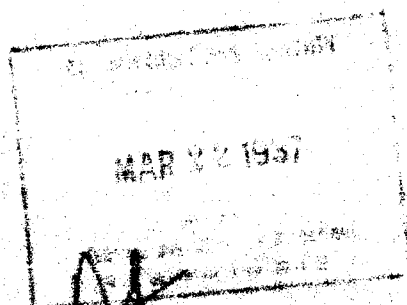
Very truly yours,

J. E. Hoover

John Edgar Hoover,  
Director.

RECORDED

28-399-4



## FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

Los Angeles, California.

L. A. 52-108

52-108

REPORT MADE AT Los Angeles, Calif.	DATE WHEN MADE 3-16-37	PERIOD FOR WHICH MADE 11/2, 12, 18/36	REPORT MADE BY J. J. McGuire	NO
TITLE GEORGE MARX CHICO MARX			CHARACTER OF CASE COPYRIGHT ACT	

## SYNOPSIS OF FACTS:

George Marx and Chico Marx, radio entertainers, allegedly presented a radio sketch on the R. J. Reynolds Tobacco Company's Camel Caravan Hour nation-wide broadcast on September 1, 1936, over Station K. H. J., Los Angeles, California, Pacific Coast outlet of the Columbia Broadcasting System, said sketch purportedly being identical with the radio serial comedy entitled: "The Hollywood Adventures of Mr. Dibble and Mr. Dabbie", chapter one, copyrighted by Garrett Graham, Whittier, California, on April 10, 1934, under certificate of registration Class D-2 No. 29011. Unverified duplicate of copyrighted sketch obtained. Knowledge by Marxes that sketch was copyrighted based upon negotiations for use of that story had between the Marxes and Garrett and Carroll Graham during the Fall of 1935 during the course of preparation of a radio program for the Kinco Soap Company which failed to materialize. Details as to these negotiations set out. Original manuscript used on Camel Caravan Hour shows similarity to copyrighted sketch. Prosecution authorized upon completion of investigation under Section 52, Title 17, U. S. C.

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MAR 28 1937

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- 1 - Bureau
- 2 - Mr. Field
- 2 - New York
- 1 - St. Louis, Mo.
- 2 - Los Angeles

**DETAILS:**

This investigation is predicated upon information received from **RUSSELL GRAHAM**, attorney-at-law, 736 South Broadway, Los Angeles, California, telephone Trinity 6311, to the effect that on September 1, 1936, **GROUCHO MARK** and **CHICO MARK**, radio and motion picture entertainers, presented a radio sketch on the R. J. Reynolds Tobacco Company's **Camel Caravan**, nation-wide program, at the Hollywood Music Box Theatre, through Station K.H.J., Los Angeles, California, Hollywood outlet for the Columbia Broadcasting System, Rupert Hughes announcing, said sketch being substantially identical with the radio serial comedy entitled, "The Hollywood Adventures of Mr. Dibble and Mr. Dabbie", Chapter One, copyrighted by Garrett Graham on April 10, 1934.

In presenting the above information at the Los Angeles Field Division, Mr. Russell Graham further averred that the Marx brothers presented the sketch that had been written and copyrighted by Garrett Graham with the knowledge that it was copyrighted material due to the fact that during 1935 there had been negotiations between the Marx brothers and the Graham brothers, Garrett and Carroll, for the use of the copyrighted sketch in a then pending deal with the **Kines Scrap Company**, prospective sponsors of a radio serial employing the Marx brothers as performers on a nation-wide radio hookup using the Graham brothers' material as the theme for their programs; that said deal fell through terminating the Graham's collaboration with the Marx brothers with regard to the sketch in question but leaving the Marx brothers with complete knowledge of the details of that copyrighted manuscript.

Russell Graham stated that the program as presented by the Marx brothers on September 1, 1936, contained several minor changes that brought the sketch up to date; that it contained several new gags and that the names, "Dibble and Dabbie" were changed to "Groucho and Chico", but that the general theme was identical, including the announcements prologue, and that the greatest portion of the program was given verbatim from the original copyrighted article.

Several newspaper clippings were presented by Russell Graham reflecting that the **Camel Caravan** on September 1, 1936, was thrown off schedule when the audience at the Music Box Theatre laughed so long that the Marx brothers spot on the program ran to twenty-three minutes instead of the original fifteen minutes necessitating a long distance telephone call from Hollywood, California, to Benny Goodman, whose **Camel** band was out into the program from Atlantic City, New Jersey, so that the latter could trim his music to bring the program to completion within its time limit. These clippings are being retained in the Los Angeles Field Division file.



Carroll Graham, Blackburn Apartments, Wilcox and Yucca Avenues, Hollywood, California, telephone Granite 5151, and Garrett Graham, Shelton Apartments, Wilcox Avenue, Hollywood, California, telephone Granite 5141, were interviewed at the office of their brother, Russell Graham, at which time it was ascertained that Carroll and Garrett are radio script writers as well as authors of the satire on prominent Hollywood screen and radio artists entitled, "Queer People". Agent was advised that Garrett Graham, who during 1934 lived at Whittier, California, together with his brother, Carroll Graham, had written a radio serial comedy in 1934 entitled, "The Hollywood Adventures of Mr. Dibble and Mr. Dabble", and that a copy of Chapter One of this manuscript was registered and received on April 10, 1934, at the Copyright Office, Library of Congress, Washington, D. C., certificate of copyright registration entry Class D-2, No. 23611, signed by William L. Brown, Acting Register of Copyrights, being issued to Garrett Graham, Whittier, California. A duplicate registration certificate verifying this fact was shown to Agent and same is being retained by Garrett Graham.

Both Garrett and Carroll Graham stated that during 1934, while endeavoring to find a sponsor for their sketch, several copies of the copyrighted manuscript had been forwarded to the New York City office of the Columbia Broadcasting System and that after uneventful waiting they received a telegram on July 29, 1935, from Mrs. Rosalind Kress Frame, socialite then engaged in assembling radio programs; business address, care of Harold Gumm, 1540 Broadway, New York City, inquiring if the Graham brothers would be willing to work with an unnamed collaborator on their Dibble and Dabble story; that subsequently they had ascertained from Mrs. Frame that the story was to be used by the Marx brothers and that Mrs. Frame had received a letter from Groucho Marx acknowledging receipt of the Graham brothers' manuscript, saying, "that it was very good but that he would like to keep a copy even though he had no radio plans at that time"; that through subsequent negotiations with the Hudson Motor Car Company and with the Rinsco Soap Company in endeavoring to find a sponsor they had direct contact with both Groucho and Chico Marx who were at that time negotiating for a twenty-six week contract with the Rinsco Soap Co. through Fred Mayer, independent radio program producer and director, offices at the St. Regis Hotel, New York City.

The Graham brothers advised that at the insistence of Groucho Marx that his own gag writer, Al Boasberg, collaborate with them in re-writing the Dibble and Dabble story to bring it up to date, numerous conferences were held in the offices of Zeppo Marx at Hollywood, California, at which Groucho Marx, Chico Marx, Al Boasberg and both Graham brothers were present during which time the title of Dibble and Dabble was changed

to "The Marxes in Movieland" and that the names of the characters were changed but the theme and substance of the story remained the same as originally copyrighted. In addition, the Graham brothers averred that in order to see the deal through, Fred Meyer paid Al Boasberg \$750.00 out of his own funds to collaborate with the Graham brothers on re-writing the twenty-six week serial because Groucho Marx had refused to go through with the deal unless Boasberg was given consideration; further, that Boasberg never did any real work in re-writing the story but left it up to the Graham brothers entirely.

During the course of re-writing the Dibble and Dabble store, Sigmund Marx, Zippo Marx's partner at that time but now associated with Myron and Selznick, Hollywood, California, was advised telegraphically by Fred Meyer that Groucho Marx and Chico Marx were holding the Hines Soap Company deal up because they wanted \$4000. a week for themselves, the Graham brothers to be paid over and above that amount by the sponsor. The Hines Soap Company purportedly met this offer during November, 1935, at which time the Marx brothers held out for \$7000. a week because Eddie Cantor received that amount and they considered themselves at least as good as Cantor, which belief resulted in the Hines Soap Company cancelling all arrangements for a program. No further re-writing of the Dibble and Dabble story was attempted but the Marx brothers, as well as Al Boasberg, retained copies of that story in their files. Both Garrett and Carroll Graham were positive in stating that not only the Marx brothers but Al Boasberg as well were aware that the Dibble and Dabble story was copyrighted and belonged solely to the Graham brothers and that no permission to use that story or any part of it had ever been given to the Marx brothers without the consent of the Graham brothers, further that they had received no notice of or remuneration from the use of their copyrighted story by the Marx brothers on the Camel Caravan Broadcast on September 1, 1936.

Nothing further was heard by either Garrett or Carroll Graham concerning the Dibble and Dabble sketch until March 21, 1936, when they received a letter from Miss Ann Honeycutt, assistant to the director of broadcasts, Columbia Broadcasting System, New York City, in which inquiry was made concerning the status of the manuscript, advising that the Columbia Broadcasting System wished to try out the sketch with their own comedians if the rights to the story were not already tied up. The Grahams stated that in view of the failure of the negotiations with the Marx brothers, they again re-wrote the Dibble and Dabble story, bringing it up to date once again and forwarded copies of the same to the Columbia Broadcasting System's New York Offices. To date they have received no acknowledgement of the receipt of the manuscript or the use to which it was put other than hearing the program presented by the Marx brothers on the Camel Caravan broadcast of the Columbia Broadcasting System on September 1, 1936. Both Garrett and Carroll Graham stated that the broadcast complained of was substantially identical with the manuscript they had regis-

tered and copyrighted on April 10, 1934.

A typewritten copy, purportedly identical with the manuscript copyrighted, entitled: "Garroll and Garrett Graham Present The Hollywood Adventures of Mr. Dibble and Mr. Dabble - A radio Serial Comedy", was given to the writer by Garrett Graham and is being forwarded to the United States Attorney with his copy of this report.

The manuscript rewritten by the Graham brothers in collaboration with Al Boasberg for the Marx brothers, based on the Dibble and Dabble copyrighted story, entitled, "The Marxes in Movieland", was given to the writer and is also being forwarded to the U. S. Attorney with his copy of this report.

A copy of the second rewrite of the copyrighted manuscript in which the title was changed to remove the Marxes' names, entitled: "Dibble and Dabble of Hollywood" was given to the writer. It also is being forwarded to the U. S. Attorney with his copy of this report.

Mr. Russell Graham subsequently forwarded a yellow sheet transcript to the Los Angeles Field Division, which purportedly was the original transcript used by the Marx brothers at the time they appeared on the Camel Caravan Hour on September 1, 1936, on which occasion it is claimed they infringed on the copyright that had been secured by the Graham brothers. Photostated copies of this original manuscript have been made, the original being forwarded to the U. S. Attorney with his copy of this report. It is noted that this transcript when compared with the copyrighted manuscript appears to be substantially identical not only as to general theme but also as to the exact wording of many lines of the sketch.

With regard to the Columbia Broadcasting System, Mr. Russell Graham verified his brothers' statements to the effect that the radio companies in general require all performers to indemnify the company against any claims arising out of the materials used during the broadcast, thereby leaving the performers responsible solely for any copyright infringement. In regard to the Marx brothers themselves, Russell Graham stated that he had heard through a confidential source emanating in the office of Charles E. "Pat" Millikan, Board of Trade Building, 7th and Main Streets, Los Angeles, California, attorney for Groucho, and Chico Marx, that when Groucho Marx requested his gag writer, Al Boasberg, to get something ready for the Camel Caravan broadcast, Boasberg dug up the Graham brothers' copyrighted story and brushed it up a bit, handing it over to the Marx brothers as an original story written by him.



Mr. RUSSELL GRAHAM stated that he had obtained the transcript of the Camel Caravan Hour Broadcast on September 1st, 1936, from Chas. E. Millikan, Board of Trade Building, Seventh and Main Streets, Los Angeles, California, the attorney for GROUCHO and CHICO MARX. He further advised that in the civil suit, GARRETT GRAHAM against CHICO MARX, et al, Central Division, U. S. District Court, Los Angeles, California, Equity No. 1034-C, the defendants in that case submitted an answer that contains admissions that the copyrighted manuscript entitled, "The Hollywood Adventures of Mr. Dibble and Mr. Dabble" had been shown by the Graham brothers to the Marx brothers and that admissions were made that conferences were held between these respective parties, but as a separate and distinct affirmative defense, the Marx brothers alleged that AL BOASBERG's rewrite of the copyrighted manuscript had in conjunction with the Graham brothers was and is an original composition.

Mr. WEISS, manager of the DON LEE Broadcasting Station, K. H. J., Los Angeles, California, advised that National program manuscripts are kept at the local office of the Columbia Broadcasting Company and that Station K. H. J., is no longer the Hollywood outlet for the latter system.

Mr. DONALD THORNBURGH, manager of Station K. N. X., Hollywood, California, the present Columbia Pacific-Coast outlet, stated that all records of programs originating at Station K. H. J., had been transferred to K. N. X with the exception of Nationwide programs and that the manuscripts of these latter programs are maintained at the New York City office of the Columbia broadcasting system, 475 Madison Avenue, New York City, under the direction of WILLIAM LEWIS, Vice President in charge of programs.

Photostated copies of the copyrighted sketch entitled, "The Hollywood Adventures of Mr. Dibble and Mr. Dabble" have been prepared by the Los Angeles Field Division, as well as the manuscript rewritten by the Graham brothers in collaboration with AL BOASBERG, entitled "The Marxes in Movie Land" and the second rewrite of the copyrighted manuscript entitled, "Dibble and Dabble of Hollywood" and are being transmitted herewith.

The facts of this case were discussed with Assistant United States Attorney William Fleet Palmer who advised that prosecution would probably be authorized upon completion of the investigation under Section 26, Title 17, U. S. C.

### UNDEVELOPED LEADS

THE WASHINGTON FIELD DIVISION at Washington, D. C., is requested to compare the photostated copy of the copyrighted sketch entitled, "The Hollywood Adventures of Mr. Dibble and Mr. Dabble" with the sketch on file in the Library of Congress, Copyright Office, registered under Certificate Entry Class D-2 No. 29011, on April 10, 1934, to GARRETT GRAHAM, Whittier, California, and if found to be identical to obtain a certified copy of same for production in court.

THE NEW YORK CITY FIELD DIVISION is requested to contact WILLIAM LEWIS, Vice President in charge of programs, Columbia Broadcasting System, 475 Madison Avenue, and obtain an authentic copy of the manuscript used by the Marx brothers in the broadcast of the Camel Caravan Hour on September 1st, 1936. The name of the proper representative of that corporation in Los Angeles, upon whom a subpoena can be served to produce the original manuscript used in instant broadcast, should be obtained.

LOS ANGELES FIELD DIVISION is requested to locate and interview GROUCHO MARX, CHICO MARX and AL BOASBERG, and obtain statements from each of them relative to their participation in and knowledge and use of the copyrighted sketch entitled, "Hollywood Adventures of Mr. Dibble and Mr. Dabble" in the Camel Caravan Hour Broadcast on September 1st, 1936, bearing in mind that the copyrighted sketch was the basis of negotiations between the MARX Brothers and Garrett and Carroll Graham during the Fall of 1935, for a proposed radio program for the Rinsco Soap Company. These parties may be located through the M. C. M. Studios, Culver City, Calif., or through the Rappaport Agency in Hollywood. Obtain descriptions of Subjects.

LOS ANGELES DIVISION will also contact the U. S. District Attorney relative to his suggestions as to prosecution in the instant matter.

PENDING

75-9810-2  
(2)  
BEST COPY AVAILABLE

THE MARXES IN MOVIELAND

by

The Grahams  
and  
Al Boasberg

This is a story about two sharp-shooting movie producers in the section of Hollywood known as Poverty Row. In the past they have produced pictures of a sort, and they are anxious to make another. The only thing stopping them is that they have nothing to use for money.

The partners are Joe Baravelli (born Chico Marx), the optimistic one -- who lays claim to the soul of an artist; and J. Cornwallis Crump (nee Groucho Marx) -- who lays no claim to a soul. He is a business man. The scene is in the office of the Square Deal Pictures Corporation and Miss Tinkle, the secretary, is busily engaged in -- but listen --

BUSINESS: The phone rings.

MISS TINKLE

Hallo... Yes, this is the Square Deal Pictures Corporation....  
(Pause)  
I'll see if he's in. Who's calling, please?  
(Yelling rather loudly toward inner office)  
Are you in, Mr. Baravelli? It's the Hollywood Collection Agency.

JOE BARAVELLI

Don't be crazy. Didn't I tell you anytime they call up I'm not in!

MISS TINKLE

No. -- Mr. Baravelli ain't in --  
(Pause)  
Who? Mr. Crump? Just a moment, I'll see.  
(Loudly again)  
Are you in, Mr. Crump?

XX

J. CORNWALLIS CRUMP

Ho, I'm on location.

MISS TINKLE

Where at?

CRUMP

Alaska.

MISS TINKLE

(Into telephone)

No, he's on location.

(Pause)

I couldn't tell you when he'll return.

(Pause)

Why/ don't think I'd lie to you, do you?  
you

BUSINESS: Noise of slamming down receiver.

MISS TINKLE (Sont'd)

Can you imagine that guy doubting my word?

BARAVELLI

Oh, Miss Tinkle -- run down to the drug store and get me a package  
of cigarettes, will you please?

MISS TINKLE

Sure. Give me the money.

BARAVELLI

Why that's funny -- ah -- I left my money in my other suit....

MISS TINKLE

Say, you haven't got another suit.

BARAVELLI

The druggist don't know that.

CRUMP

Why not look in the druggist's suit?

BARAVELLI

What about you, Miss Tinkle -- haven't you got a quarter?

MISS TINKLE

Cigarettes are only fifteen cents.

BARAVELLI

That's all right - keep the time for yourself.

CRUMP

Either we'll have to stop smoking or hire a secretary with money.

MISS TINKLE

And while we're on the subject of money, what about my pay?

CRUMP

I'll give you a check this afternoon.

MISS TINKLE

I don't want any more of your checks. I couldn't cash the last one --

CRUMP

You probably took it to the wrong place.

MISS TINKLE

I took it to your bank.

CRUMP

That's certainly the wrong place.

BUSINESS: Busser sounds.

CRUMP (Cont'd.)

Either there's a bee in this office or there's a collector outside.

BARAVELLI

Miss Tinkle was who's out there and tell him we're not in.

BUSINESS: Office door slams.

CRUMP

She's not so dumb -- even if she does work for us.

BARAVELLI

(Resuming business-like)

Listen, Crump, I've got a great idea how to make a lot of money. We'll produce a costume picture.

CRUMP

We've got to produce the money first.

BARAVELLI

Look at the way these costume pictures have been cleaning up --  
Garbo in "Queen Christina" ---

CRUMP

Yes, M.G.M. would be happy to lend us Garbo.

BARAVELLI

And look at "Little Women" with Katharine Hepburn.

CRUMP

(With great sarcasm)

Sure! Get Katharine Hepburn too - why stop at Garbo!

BARAVELLI

What a cast! Who'll we get to star in it -p- How about Marlene  
Dietrich? - She just made a costume picture --

CRUMP

We'll use her, too. Dietrich and Garbo will work great together.  
Now if we can find a part for Shirley Temple we're all set.

BARAVELLI

(Highly pleased with himself)

I'm a fast worker, eh, boss? Look how quick I got Dietrich, Garbo  
and Shirley Temple in one big picture --. The trouble, Crump, with  
you is you've got no idea.

CRUMP

The trouble with you, Baravelli is you've got no money -- and that  
goes for both of us.

BARAVELLI

Don't worry me about that. A great artist never considers money.  
Let's get back to this costume picture.

CRUMP

Let's get back to the money. Who's going to finance this epic --  
the Democrats?

BARAVELLI

That's up to you. I'll direct the picture. You're the financial  
man.

CRUMP

That's a piece of news. I didn't know there was a financial man  
in this firm.

BARAVELLI

This will be greater than the last picture we produced.

CRUMI

You mean that great artistic triumph where you had an African-jungle scene with a street car in the background? Yes, I remember that baby.

BARAVELLI

That's me -- always something new -- Would Lubitsch think of that?

CRUMI

It really didn't make much difference. That was in the third reel, and by that time all the audience had gone home.

BUSINESS: Office door opens and closes.

BARAVELLI

What is it now, Miss Tinkle?

MISS TINKLE

There's a funny-looking cluck out here that wants to see the head of Square Deal.

CRUMI

Who is he?

MISS TINKLE

Says his name's Froghawk.

BARAVELLI

(Incredulously)  
Froghawk. Tell him he must have made a mistake. There's nobody named Froghawk.

MISS TINKLE

(Insisting)  
He insists his name is Froghawk.

CRUMI

I had a cousin named Froghawk and that wasn't his name, either. This guy must be a creditor. Tell him we're out.

MISS TINKLE

All right, I'll tell him. But don't talk so loud. They can hear you clear up on Hollywood Boulevard.

CRUMI

Never mind the smart cracks. Get rid of that guy.

MISS TINKLE

I can't get rid of him. He's out there with his daughter and he



MISS TINGLE (Cont'd.)

insists upon coming in.

CRUMP

Er -- ah -- um -- let the band play a number while I collect my thoughts."

NOTE: Switch to New York for musical interlude.

Time has passed and Baravelli and Crump have discovered that the man they couldn't keep out of their office was Oscar S. Proghawk, who had a million dollars and a daughter who wanted to get into the movies. The daughter is now in the movies, the million is in Square Deal Pictures, and Baravelli and Crump are in the million, Miss Proghawk, incidentally, is a Vassar graduate who believes it is her mission in life to ~~uplift~~ uplift motion pictures. She will soon find out that that is a full-time job.

Two hundred thousand dollars has already been spent. Everything is set to go on the great picture they are going to make except the cast, sets, story and costumes.

We open on a conference in the office of the vice President, no less than J. Cornwallis Crump. Present, in addition to Crump, are Baravelli, and Miss Nettie Proghawk. At the opening of this episode, the two partners have stopped fighting and are only quarreling.

CRUMP

Gentlemen, I am glad to state that the story is all set; every loophole has been plugged. And speaking of plugs -- just a moment -- (He picks up the telephone) Who won the third race at Caliente? ... Who? ... Peanut Brittle! Why, she was in the first race. Well, she certainly must have taken her time. (He hangs up the phone)

BARAVELLI

What are we going to call this movie.



CRUMP

It being a story of the mid-Victorian age, we have selected the title "Napoleon at Valley Forge."

BARAVELLI

That's great! It gives you an idea what the story is all about!

MISS PROGHAN

It may interest you to know that Napoleon was not at Valley Forge.

CRUMP

I know you hadn't read the scenario, Miss Proghan.

MISS PROGHAN

You probably are referring to St. Helena.

BARAVELLI

He's going to be at Valley Forge for this picture and where he goes after that is his business.

CRUMP

It's going to be awfully hard to cast a Napoleon. You'll have to get somebody about six layers high, with whipped cream between 'em.

BARAVELLI

I think we'd better get the Casting Director up here and find out who he thinks should play Napoleon.  
(He dials the telephone)  
Who's the Casting Director, Miss Tinkle?

VOICE

You are.

BARAVELLI

Thank you.  
(He hangs up; to Crump)  
Now, what do you want to know?

CRUMP

I want to know who the casting director would recommend to play the part of Napoleon, Mr. Baravelli?

BARAVELLI

I get it. As long as we've spent so much money, why not spend a little more money and get Napoleon? What do you think Miss Proghan?

MISS PROGHAN

Why - Napoleon's been dead for a hundred years.

CRIMF

Well, that's fine! We're digging up new talent!

(picks up the phone)

I'll settle this argument right now... Miss Tinkle, locate Napoleon.

MISS FROGHAWK

Gentlemen, you're only wasting your time. I'm telling you that it was not Napoleon who was at Valley Forge.

CRIMF

(Reprovingly)

Miss Froghawk, we know it was General Grant but we're using him in a football picture.

BARAVELLI

Well, let's get somebody who looks like Napoleon -- what about his father?

BUSINESS: The phone rings.

CRIMF

Square Deal Pictures speaking.

MISS TINKLE'S VOICE

I've located Napoleon. He's in his tomb.

CRIMF

Well, leave a note for him to call me when he gets out.

MISS FROGHAWK

I hope you gentlemen are convinced by now that Napoleon is dead.

CRIMF

I read the papers every day. I never saw anything about it.

MISS FROGHAWK

If you want to do a picture in the Napoleonic era, I suggest that you stress Josephine's side of the story.

BARAVELLI

You mean we should get Napoleon to play Josephine?

CRIMF

They say he did.

MISS FROGHAWK

Well, I think that before you attempt to cast the picture I should

MISS FROGHAME (Cont'd)

hear the story. Our agreement with Father is that I have the final say-so on the scenario.

CRUMF

You can hear the story as long as you're going to play the principal role. Of course, I did want to surprise you and not tell you the story until after the preview. However, -- at the opening of the story, everybody is dead --

MISS FROGHAME

Everybody is dead?

CRUMF

Yes - that'll make Napoleon feel at home.

BARAVELLI

You see, that's a new idea I got - the picture opens up and the first thing we show is the finish.

CRUMF

That's so that if anyone has any shopping to do they can leave right away...

BARAVELLI

(Continuing; ignoring him)

After the opening episode, thousands of voices are heard screaming and hollering.

CRUMF

Do you suppose they could be the audience asking for their money back? No - on second thought, our pictures won't have any audiences.

BARAVELLI

-- A cloud of dust appears on the screen --

MISS FROGHAME

I should like very much to hear the story, just as you intend showing it on the screen. Do you intend doing it in retrospect?

BARAVELLI

No, we'll do it right here in Hollywood.

MISS FROGHAME

Retrospect means backward.

BARAVELLI CRUMF

Backward? That's Baravelli.

BARAVELLI

You see, Miss Frohawk, the problem we've got now is to keep up the suspense in the story so that when Napoleon is exiled, it's gonna come like a surprise.

MISS FROHAWK

Why, everybody knows that Napoleon was exiled.

CRUMP

Did you know it, Baravelli?

BARAVELLI

Oh sure. But did that happen before they sent him away to that Island, or afterwards? Say, I got an idea! If we're going to have any trouble casting Napoleon, why not drop him out of the picture and just use Napoleon?

CRUMP

We don't need them both anyway, because we're going to have a Six-Day Bike race in the picture --

MISS FROHAWK

But Napoleon and Bonaparte were identical

BARAVELLI

She's right. I've heard say they were so identical you couldn't tell them apart.

CRUMP

That's right. The only way you could tell them apart was that Napoleon had a birthmark on his mother's arm.

BARAVELLI

So if you wanted to tell them apart you had to look at Napoleon's mother's arm and if there was no birthmark on it --

CRUMP

It meant she had just taken a shower.

BARAVELLI

Now the way all these pictures open is no good. You got to tell the audience who all these people are, and nobody cares about that. So we start with the second reel. The picture starts, see, and we have Napoleon waiting for a bus.

MISS FROHAWK

You want him to be in Napoleon's time.

BARAVELLI I

Don't be silly. We can rent one for fifteen dollars all day and ride home in it.

CRUMF

I got an idea. We'll hire a thousand extras, and have such a big crowd we won't need Napoleon.

MISS PROGHANK

(Slightly disgusted)

I'm going to my hotel. You can call me when you have the story ready.

(She exits)

BARAVELLI I

What a dame? Four years in college and she still thinks Napoleon's dead. If everybody knows the story of Napoleon, why can't we do a different Napoleon story.

CRUMF

You mean like Tarsan?

BARAVELLI I

Sure.

CRUMF

No. You can't do that. They didn't have trees in Napoleon's time.

BARAVELLI I

Well, I think if we played Napoleon in the Adirondacks instead of the Alps it would be much better. Wait. ~~HEHE~~ An idea just came to me. Let's produce a picture without a story.

CRUMF

We'll have all the actors just mumbling then the audience can bring any book they want and read it out loud while the actors are doing their stuff.

BARAVELLI I

I think you've got something there. We'll advertise "Bring your own story and have it acted to order."

CRUMF

We're made.

(He surges)

Telephone Miss Proghank at the Ambassador Hotel.

BARAVELLI I

Shots at the Savoy-Hilshire.

CRIMT

I know that, but call her at the Ambassador. I don't want to talk to her.

FADE CUT



3  
BEST COPY AVAILABLE

BIBBLE AND DABBLE  
Of Hollywood.

A Radio Serial Comedy  
by  
CARROLL and GARRETT GRAHAM

---

The Shelton Apartments  
1735 N. Wilcox  
Hollywood, Calif.

Granite 3141

DIBBLE AND DABBLE

This is a story about two sharp-shooting movie producers in that section of Hollywood known as Poverty Row. In the past they have made pictures of a sort, and they are anxious to make some more. The only thing stopping them is that they have nothing to use for money.

The partners are Mr. Dabble, an optimist who lays claim to the soul of an artist, and Mr. Dibble, who lays no claim to a soul. He is a business man, without any business. The scene is the office of the Square Deal Pictures Corporation, and Miss Tinkle, their secretary, is busily engaged in - but listen - -

BUSINESS: The phone rings.

MISS TINKLE

Hello - yes - this is the Square Deal Pictures Corporation

(Pause)

I'll see if he's in. Who's calling please? Just a moment.  
(Yelling rather loudly toward the inner office)

Are you in, Mr. Dibble? It's the Hollywood Collection Agency.

... DIBBLE

What a question! I should be in to the Hollywood Collection Agency.

MISS TINKLE

No, Mr. Dibble isn't in. (Pause) Just a moment, I'll see.  
Are you in, Mr. Dabble?

DABBLE

I'm on location.

MISS TINKLE

There?

DABBLE

Alaska.



DIBBLE

China's farther.

MISS TINKLE

(Into telephone)

He's in Australia. (pause) I couldn't say when he'll return. (pause) Why, you don't think I'd lie, do you?

BUSINESS: Sound of slamming down receiver.

MISS TINKLE

Imagine that guy doubting my word!

DIBBLE

Oh, Miss Tinkle - run down to the drugstore and get me a package of cigarettes, will you please?

MISS TINKLE

Sure - - give me the money.

DIBBLE

That's funny - I left it in my other suit.

MISS TINKLE

You haven't got another suit.

DIBBLE

The druggist don't know that.

DIBBLE

Why not look in the druggist's suit?

DIBBLE

What about you, Miss Tinkle - haven't you got a quarter?

MISS TINKLE

Cigarettes are only fifteen cents.

DIBBLE

That's all right. Keep the dime for yourself.

DIBBLE

Either we'll have to stop smoking or hire a secretary with money.

MISS TINKLE

And while we're on the subject of money, how about my pay?

DABBLE

I'll give you a check this afternoon.

MISS TINKLE

I don't want any more of your checks. I couldn't cash the last one - -

DABBLE

You probably took it to the wrong place.

MISS TINKLE

I took it right to your bank.

DABBLE

That certainly was the wrong place.

BUSINESS: BUZZER SOUNDS.

DABBLE

Either there's a bee in this office or that's a collector outside.

DIBBLE

Miss Tinkles - see who's out there and tell him we're not in.

BUSINESS: Office door slams.

DABBLE

She's not so dumb. Even if she does work for us.

DIBBLE

(Becoming very serious)

Listen, Dabble - I've got a great idea how to make a lot of money. We'll produce a costume picture.

DABBLE

We've got to produce some money first.

DIBBLE

Look at the way these costume pictures have been cleaning up - - Garbo in "Queen Christina" - -

DABBLE

Yeah - MGM would be glad to land us Garbo.

DIBBLE

And look at "Little Women" with Hapburn.

DABBLE

(With great sarcasm)

Sure! Get Katharine Hepburn, too - why stop at Garbo!

DIBBLE

What a cast! Who'll we get to star in it - - how about  
Marlene Dietrich - she just made a costume picture - -

DABBLE

We'll use her, too. Dietrich and Garbo will work great  
together. Now if we can find a part for Shirley Temple  
we're all set.

DIBBLE

(Highly pleased with himself)  
Guess I'm not a fast worker. Look how quick I got Garbo,  
Dietrich and Shirley Temple all in one picture. . . The  
trouble with you is, Dabble, you got no vision. .

DABBLE

And the trouble with you, Dibble, is you've got no money -  
and that goes for both of us.

DIBBLE

Don't worry me about that. A great artist never considers  
money. Let's get back to this costume picture.

DABBLE

Let's get back to the money. Who's going to finance this  
epic - the Democrats?

DIBBLE

That's up to you. I'll direct the picture. You're the  
financial man.

DABBLE

That's a piece of news, I didn't know there was a financial  
man in this firm.

DIBBLE

This will be greater than the last picture we produced.

DABBLE

You mean that great artistic triumph where you had an African  
people scene with a street car in the background? Yes, I  
remember that baby.

DIBBLE

That's me - always something new. Could Lubitsch think of that?

DABBLE

It really didn't make much difference. That was in the third reel, and by that time all the audience had gone home.

BUSINESS: Office door opens and closes.

DIBBLE

What is it now, Miss Tinkle?

MISS TINKLE

There's a funny-looking cluck out here that wants to see the head of Square Deal.

DABBLE

Who is he?

MISS TINKLE

Says his name's Froghawk.

DIBBLE

(Incredulously)

Froghawk! Tell him he must have made a mistake. There's nobody named Froghawk.

DABBLE

No. I had a cousin named Froghawk and that wasn't his name either. He must be a creditor. Tell him we're out.

MISS TINKLE

All right, I'll tell him, but don't talk so loud. They can hear you clear up on Hollywood Boulevard.

DABBLE

Never mind the cracks. Get rid of that guy.

BUSINESS: Office door slams.

DIBBLE

Let's get back to business. I've written a swell story. Do you remember Sam "David Copperfield"?

DABBLE

You didn't write "David Copperfield." Dickens beat you to that.

DIBBLE

I know I didn't write it, but it gave me some swell ideas. Did you see "Grand Hotel."

DABBLE

It's a hanging offense to make any more imitations of "Grand Hotel."

DIBBLE

Now, see here, Dabble. I never imitate anybody. My stuff is original.

DABBLE

I'll admit that. Nobody else would have ~~struck a street car in a~~ thought of sticking a street car in a jungle.

DIBBLE

I never stole anything in my life.

DABBLE

Do you own the "Biltmore"?

DIBBLE

What are you talking about?

DABBLE

The name "Biltmore." It's on all your wife's silverware.

DIBBLE

Cut out the comedy. I want to ~~go on~~ tell you the plot for ~~my new picture~~, this new picture.

DABBLE

Go ahead. What can I lose?

DIBBLE

The title is "Love Through The Ages."

DABBLE

Sounds like an old friend.

DIBBLE

We start in Egypt - at the time of Cleopatra. She's been running around with Caesar, burning up the town. Then she meets Marc Antony - just like it was in Shakespeare.

DABBLE

How does Shakespeare get into this? He didn't write "Grand Hotel".

DIBBLE

(Selling it big)

Now, how's this for a great dramatic climax? Left alone in her palace, Cleopatra realizes from now on that life will be an empty shell. She decides to kill herself. Standing there, radiant and beautiful in the moonlight, she presses the poisonous snake to her bosom --

DABBLE

Great! You play the snake.

BUSINESS: Office door opening and closing.

MISS TINKLE

This guy's still out here.

DIBBLE

Send him away. We told you we're not seeing anybody.

MISS TINKLE

I tried that, but he says he won't leave until he's talked to you.

DABBLE

What does he want?

MISS TINKLE

He won't say.

DIBBLE

Tell him we're out of town.

MISS TINKLE

He knows better than that. He can hear everything you say.

DABBLE

What kind of a bird is he? Does he look tough?

MISS TINKLE

He's a pretty big.

DIBBLE

Sounds bad. Tell him we're in a story conference.

MISS TINKLE

And what a story! You've got me rolling in the aisle.



DIBBLE

(with great dignity)

Miss Tinkle, I'll give you to understand we're paying you  
as a secretary - not as a dramatic critic.

MISS TINKLE

You're paying me? When?

DABBLE

(Firmly)

Get that guy out of here!

MISS TINKLE

You guys don't need a secretary. You need a bodyguard.

DIBBLE

Miss Tinkle - when you go out, put in a call for Mr. Green  
at the Writer's Club.

MISS TINKLE

O.K.

BUSINESS: Office door slams.

DIBBLE

That girl's too fresh.

DABBLE

They don't get so fresh if you pay 'em.

DIBBLE

That's in your department.

DABBLE

All the disagreeable things are in my department. By the  
way, what do you want to talk to Green about?

DIBBLE

Twenty-five dollars.

DABBLE

Give or take?

DIBBLE

Don't be silly.

BUSINESS: Telephone rings.

DIBBLE

Hello-- that you, Green? This is Dibble. How are you, pal?  
Why don't you ever come around!

(pause)

Doing pretty well out at Warner Brothers, I hear. I saw one of  
your pictures the other night. Boy, was it a wow!

(pause)

I can't remember the name of it just now. Say, old boy,  
remember when you did a couple of scripts for me and I helped  
you get started as a writer?

(pause)

Yep, those were the good old days, all right.

DABBLE

It's a swell build-up for a touch.

DIBBLE

I've been pretty busy, myself.

(pause)

Dabble and I are about to produce a costume picture. Biggest  
thing we've ever done. ~~Now~~ just wait till you hear the story.

DABBLE

(in a panic)

Don't tell him the story. You'll never get the twenty-five.

DIBBLE

(aside)

Shut up, Dabble. (Into the phone) If you're at liberty when we  
get ready, we'd like to have you write the seenario. It will  
be right up your alley.

(pause)

Why, certainly, we'll <sup>pay</sup> your regular price. Yes sir - we're not  
pikers. We do things right. Oh, by the way, Green - I wonder  
if you'd do me a small favor.

DABBLE

~~Dabble~~ Here it comes. Get hot, Dibble.

DIBBLE

Well, you see, Dabble's out of town - - won't be back for  
several days. He signs all the checks for the Corporation  
and I find my personal account is overdrawn.

DABBLE

Ask for fifty. It's just as easy.

DIBBLE

So I was wondering if you could let me have - - ah - -  
seventy-five dollars until he returns. It's embarrassing to  
ask, but you see - - (pause) - hello - - hello - -



BUSINESS: Dibble jiggles the receiver hook.

DIBBLE

He hung up on me.

DABBLE

How much are you in to him now?

DIBBLE

Only about three hundred.

DABBLE

He might have stood for fifty.

DIBBLE

Well, I tried to raise some money. It's your turn now.  
We've got to eat lunch somehow.

DABBLE

I don't know anybody that would loan me a cigarette.

DIBBLE

How about that goofy director you used to play golf with?

DABBLE

That guy? He tried to touch me for five yesterday.

DIBBLE

How's your account at the Ambassador?

DABBLE

Just like your's.

DIBBLE

How about that actor - the guy with the sheep face?

DABBLE

He hasn't worked since "The Birth of a Nation."

DIBBLE

We've got to do something.

DABBLE

Hand me that phone. (into phone) Miss Tinkle, get me  
Gladstone-8844. (to Dibble as he waits for call) You  
started to tell me what you think is drama. Wait till you hear  
what I'm going to pour into the phone. I'll have you in tears.

BUSINESS: The telephone rings.

DABBLE

(in a very sad voice)

Hello, Duncan? This is Dabble. (pause) Oh, I feel terrible. I've got a toothache that's driving me wild. Couldn't sleep all night - - it keeps getting worse. . . yeah, the whole side of my face is swelled up ( pause) Yes, I know. I'll have to go to a dentist right away, and that's why I called you. You see, I'm flat broke and I haven't got an account with a dentist. Could you lend me ten dollars. If I don't do something right away it's liable to be serious. (pause) Oh - I see. ( in a flat, disappointed tone) Thanks very much. Yes, I know where it is.

BUSINESS: He hangs up the receiver.)

DIBBLE

No sale?

DABBLE

He said to go to his dentist and put it on his bill - - the piker.

DIBBLE

Well, it's a good gas to remember, anyway.

DABBLE

I'm so hungry I could eat a Pekinese.

BUSINESS: Door.

MISS TINKLE

This guy is still out here, and he says he won't leave until he sees you.

DABBLE

He's in for a long wait.

MISS TINKLE

Suit yourself, but the only other way you can get out is by the window, and it's a long jump.

DABBLE

Oh well, we might as well see him and get it over with.

DIBBLE

After all, it might not be bad news.

178

DABBLE

It's bound to be bad news.

MISS TINKLE

This way, Mr. Froghawk.

FROGHAWK

How do you do, gentlemen.

DIBBLE

I'm Dibble.

DABBLE

I'm Dabble.

FROGHAWK

I'm Mr. Froghawk.

DABBLE

Would you mind repeating that?

FROGHAWK

I say, my name is Froghawk.

DABBLE

Thanks. I just wanted to hear you admit it.

DIBBLE

What was it you want to see us about?

FROGHAWK

Well, you see - I have a daughter.

DABBLE

That's too bad. Still, a lot of people are in the same boat.  
What's the matter with her?

FROGHAWK

She wants to get into the movies.

DABBLE

That is bad.

DIBBLE

Where do we come in?

FROGHAWK

Well, so we came out here to Hollywood to get her into pictures.

DABBLE

It's all right with us. Go ahead and get her into pictures. We won't interfere.

FROGHAWK

Well, I was in this building and I saw your sign on the door, and I'd heard of your firm, so I thought I'd talk to you about it.

DABBLE

We have talked about it. You want to get her into pictures, and we've given our consent. Anything else bothering you?

DIBBLE

By the way, got a cigarette?

FROGHAWK

I don't smoke, sorry. You see, I'm new out here in Hollywood and I don't know how to go about getting my daughter on the screen.

DABBLE

If I were you, I'd go right over to Paramount and take it up with the management. They accommodate all the fathers who want to get their daughters on the screen.

FROGHAWK

I know you gentlemen are very busy, and possibly I'm intruding, but I'd really like some advice, and I thought if you'd have lunch with me - -

DIBBLE

How's that again?

FROGHAWK

I thought if you'd be my guests at luncheon - -

DABBLE

Mr. Froghawk, if there is any advice we can give you, our time is yours! Brown Derby - - here we come!

END OF CHAPTER ONE

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CARROLL AND GARRETT GRAHAM

PRESENT

The Hollywood Adventures of

MR. DIBBLE

and

MR. DABBLE

A Radio Serial Comedy.

### THE CHARACTERS

MR. DIBBLE, - - - The Optimistic Partner.  
MR. DABBLE - - - The Pessimistic One.  
Miss Geeser - - - Their Secretary.  
Mr. Fragbank - - - The Champ.

TIME : : : : :

THE PRESENT

PLACE : : : : :

POVERTY ROW, HOLLYWOOD.

**ANNOUNCER:**

This is a story about Mr. Dibble and Mr. Dabble, two sharp-shooting, movie promoters in the section of Hollywood known as Poverty Row. From time to time they have produced pictures of a sort, and they are now anxious to make another. The only thing stopping them is that they do not know what they will use for money. Their assets consist of a two-room suite of offices, on which the rent is temporarily paid; a secretary, who is very seldom paid; and a sign on the door which says: "Shoestring Productions, Inc." Mr. Dibble is the fat, optimistic one who claims to have the soul of an artist. Mr. Dabble lays no claim to a soul. He is the business man. He is so pessimistic he might even depress you. So, before it is too late, either dial quickly to some other station, or hold your hat - - because here we go. The scene is the office of Shoestring Productions.



BUSINESS: (THE TELEPHONE RINGS.)

MISS GOOPER: Hello. Yes, this is the office of Shoestring Productions. (Pause.) I'll see if he's in. Who's calling, please? Just a moment. (Yelling rather loudly toward the inner office.) Are you in, Mr. Dibble? It's the Hollywood Collection Agency.

DIBBLE: Don't be foolish! I should be in to the Hollywood Collection Agency!

MISS GOOPER: No, Mr. Dibble isn't in. (Pause.) Just a moment, I'll see. (Loudly again.) Are you in, Mr. Dibble?

DIBBLE: I'm on location.

MISS GOOPER: Where?

DIBBLE: China.

MISS GOOPER: (Into telephone.) No, Mr. Dibble's on location in China. (Pause.) No, I couldn't tell you when he'll return. (Pause.) Why, you don't think I'd lie to you, do you?

BUSINESS: ( NOISE OF SLAMMING DOWN A DRIVER.)

MISS GOOPER: Can you imagine that guy doubting my word?

DIBBLE: Oh, Miss Gooper - - run down to the corner drug store and get me a package of cigarettes, will you?

MISS GOOPER: Sure. Give me the money.

DIBBLE: Why - - ah - - I left my money in my other suit.

MISS GOOPER: You haven't got another suit.

DIBBLE: Tell 'em to charge it.



MISS COOPER: The last time I tried to charge anything to you, the druggist laughed in my face.

DIBBLE: Well - - haven't you got a quarter?

MISS COOPER: Sure - - I got a quarter. And I'm going to keep it, too. But while we're on the subject of money, what about my back salary?

DIBBLE: I'll give you a check this afternoon.

MISS COOPER: I don't want any more of your checks. You've got enough bad ones out now to paper a house. I want money.

DIBBLE: We'll pay you. I've got some money coming.

MISS COOPER: Where's it coming from - - Mars?

DIBBLE: Listen, if you won't get us cigarettes, at least shut the door to our private office, so if any of our creditors come in they can't see us.

DIBBLE: And we're not in to anybody.

BUSINESS: ~~XXXXXXXXXXXX~~ (OFFICE DOOR SLAMS.)

DIBBLE: She's not so dumb.

DIBBLE: (Becoming business-like.) Listen, Dabble - - we've got to produce a costume picture.

DIBBLE: We've got to produce some money first.

DIBBLE: Look at the way those costume pictures have been claiming up - - "Queen Christina" - -

DIBBLE: Yes, I suppose M-G-M would be glad to lend us Garbo and Gilbert.

DIBBLE: And look at all the dough "Little Women" made.

DABBLE: (With great sarcasm.) Sure! We'll borrow Katherine Hepburn, too. Let's put 'em all in.

DIBBLE: Marlene Dietrich just made a costume picture.

DABBLE: She's the only other one we'll need. Dietrich and ~~John~~ Garbo would work great together. But, say! Couldn't you find a small part for Mae West?

DIBBLE: (Annoyed.) The trouble with you is, Dabble, you haven't got any vision.

DABBLE: And the trouble with you is, Dibble, you haven't got any money.

DIBBLE: That's a small matter. How to get back to this costume picture - -

DABBLE: Let's get back to the money. Who's going to finance this epic - - the NRA?

DIBBLE: That's up to you. I'm the director-general of production. You're the financial man in this firm.

DABBLE: That's a piece of news. I didn't know there was a financial man in this firm.

DIBBLE: Now if you'll remember that last picture we produced - -

DABBLE: You mean that great artistic triumph where you had an African jungle scene with a street car running through the background? I remember.

DIBBLE: That was just a small oversight.

DARREL: It really didn't make much difference. It was in the third reel, and all the audience that hadn't gone home were asleep by that time.

BUSINESS: (OFFICE DOOR OPENS AND CLOSSES.)

DARREL: What is it now, Miss Cooper?

MISS COOPER: There's a funny-looking cunk out here that wants to see the heads of Shoestring Productions.

DARREL: Who is he?

MISS COOPER: Says his name's Froghawk.

DARREL: (Incredulously.) What?

MISS COOPER: Froghawk.

DARREL: Froghawk! He's a phoney. Nobody's named Froghawk.

DARREL: He's probably from that collection agency. Tell him we're out.

MISS COOPER: All right, I'll tell him. But don't talk so loud. They can hear you clear up on Hollywood Boulevard.

DARREL: Never mind the smart-cracks. Go get that guy out of the office.

BUSINESS: (OFFICE DOOR OPENS AND CLOSSES.)

DARREL: Now I've written a swell story for this costume picture. Do you remember "Cavalcade"?

DARREL: You didn't write "Cavalcade." Noel Coward beat you to that one.

DARREL: I know I didn't write it, but it gave me some great ideas.

DABBLE: Listen, Dibble, by the time we raise enough money to pay our rent - - let alone produce a picture - - the public will be sick of "Cavalcade." There are six of 'em out now.

DIBBLE: Remember "Grand Hotel"?

DABBLE: Lay off of that one. It's a hanging offense in California now to make any more imitations of "Grand Hotel."

DIBBLE: Now, see here, Dabble, I never imitate anybody. My stuff is always original.

DABBLE: I'll admit that. Nobody else would have thought of having a street car in a jungle scene.

DIBBLE: I never stole anything in my life.

DABBLE: Then I suppose you own the Biltmore Hotel?

DIBBLE: What are you talking about?

DABBLE: The name, "Biltmore," is on all your wife's silver.

DIBBLE: Let's cut the comedy and get down to business. I want to tell you the plot for this new picture.

DABBLE: Go ahead. What can I lose?

DIBBLE: The title is "Love Through The Ages."

DABBLE: Sounds like an old friend.

DIBBLE: We start in Egypt - - at the time of Cleopatra. Now she's been running around with Caesar, see, burning up the town. Then she meets Mark Antony. And we tell their story, see - - just like it was in Shakespeare.

DABBLE

How does Shakespeare get into this ? He didn't write "Grand Hotel."

BIDDLE

(Selling it big) Now how's this for a great dramatic climax? Left alone in her palace, Cleopatra realises that from now on life will be just an empty shell. She decides to kill herself. Standing there, radiant and beautiful in the moonlight, she presses the poisonous snake to her bosom - - -

DABBLE

I suppose you'll play the snake yourself.

BUSINESS

(OFFICE DOOR OPENING AND CLOSING)

MISS COOPER

This guy's still out here. He insists on seeing you both.

BIDDLE

Send him away. We told you we're not seeing anybody.

MISS COOPER

I tried that, but he says he won't leave until he's talked to you.

DABBLE

What does he want ?

MISS COOPER

He won't say.

DABBLE

Tell him we're out of town.

MISS COOPER

He knows better than that. He can hear everything you're saying.

DABBLE

What kind of a bird is he ? Does he look tough?

MISS COOPER

Well - - he's pretty big.

BIDDLE

That sounds bad. Tell him we're very busy men and cannot be disturbed. We're in a story conference.

MISS COOPER

And what a story! You've got me rolling in the aisle.

DABBLE

(With great dignity) Miss Cooper, I'll give you to

understand that we're paying you as a secretary -  
not as a dramatic critic.

MISS COOPER

You're paying me! When?

DABBLE

Aw, get on out there and watch that door.

MISS COOPER

You guys don't need a secretary. You need a  
bodyguard.

DIBBLE

By the way, Miss Cooper, when you go out, call the  
Writer's Club and get Mr. Baylan on the phone.

MISS COOPER

O.K.

BUSINESS

(OFFICE DOOR OPENS AND CLOSES)

DIBBLE

That girl is too fresh.

DABBLE

They don't get so fresh if you pay 'em.

DIBBLE

That's in your department.

DABBLE

All the disagreeable things are in my department.

By the way, what do you want to talk to Baylan about?

DIBBLE

About twenty-five dollars.

DABBLE

Give or take?

DIBBLE

Don't be silly.

BUSINESS

(THE TELEPHONE RINGS)

DIBBLE

Hello - that you, Baylan? Well, this is Dibble. How

are you, pal? Why don't you ever come around and

see an old friend? (Pause) You're doing pretty

well out at Warner Brothers' now, I understand. I

saw one of your pictures the other night. Boy, it

was a wow! (Pause) I can't remember the name of it

just now. (Pause) Boy, old boy, do you remember when

you did a couple of pictures for me, and I helped

you get started as a writer? (Pause) Yep, those

were were the good old days, all right.

DABBLE

It's a swell build-up for a touch.

DIBBLE

I've been pretty busy myself. (Pause) Dabble and I are about to produce a costume picture. Biggest thing we've ever done. Boy, just wait till you hear the story.

DABBLE

(In a panic) Don't tell him the story! You'll never get the twenty-five.

DIBBLE

(Quietly) Hush up, Dabble. (Into phone) If you're at liberty when we get ready we'd like to have you write the script. It's just the sort of story you do best. (Pause) Why, certainly we'll pay you your regular price. Yes sir - we're not pikers. We do things right. Oh - by the way, Boylan - I wonder if you'd do me a small favor?

DABBLE

Here it comes. Get hot, Dibble.

DIBBLE

Well, you see, Dabble's out of town, and won't be back for a few days. Dabble signs all the checks for the Corporation and I find that my personal account is overdrawn.

DABBLE

Ask for fifty. It's just as easy.

DIBBLE

So I was wondering if you could let me have - ah - seventy-five dollars until Dabble returns. It's really very embarrassing to ask you, but you see - - (pause) Hello --hello --

BUSINESS

DIBBLE JIGGLES THE RECEIVER HOOK, THEN HANGS UP.

DABBLE

He hung up on me.

DIBBLE

How much are you in to him now?

DABBLE

Only about three hundred.



DABBLE He might have stood for fifty.

DIBBLE Well, I tried to raise some money. It's your turn now. We've got to eat lunch.

DABBLE I don't know anybody that would loan me a cigarette.

DIBBLE How about that goofy director you used to play golf with?

DABBLE That guy? He tried to touch me for five yesterday.

DIBBLE I could certainly eat. How'd your account at the Ambassador?

DABBLE Just like your's is.

DIBBLE What about that actor you used to run around with?

DABBLE He hasn't worked since they finished "The Birth of A Nation."

DIBBLE We've got to do something.

DABBLE Wait a minute! Boy, what an inspiration I've got! Hand me that phone. ( Into telephone ) Miss Geofor, get me Gladstone-0844. ( To Dibble, as he waits for call ) You started to tell me what you think is drama. Wait till you hear what I'm going to pour into the phone. I'll have you in tears.

BUSINESS (THE TELEPHONE RINGS)

DABBLE (In a very sad voice) Hello, Duncan - this is Dabble. (Pause) Oh, I feel terrible. What's the matter? I've got a toothache that's driving me wild. Couldn't sleep all night, and the tooth keeps getting worse. The whole side of my face is swelled up. (Pause) Yes, I know. I'll have to go to a dentist and get it fixed. That's why I called you, Duncan. You see, I'm flat broke and I haven't got an account with a



dentist. Could you lend me ten dollars so I can get one to fix my teeth? If I don't do something right away, it's liable to be serious. (Pause) Oh - I see. (In a very flat, disappointed voice) Thanks very much. Yes, I know where it is.

BUSINESS

(HE HANGS UP THE RECEIVER)

DIBBLE

No sale?

DABBLE

He offered to send me to his own dentist and put it on his bill - the flathead.

DIBBLE

Well, it's a good scheme to remember, anyway.

DABBLE

Boy, I'm so hungry I could eat a Pekinese.

BUSINESS

(DOOR OPENS AND CLOSSES)

MRS COOPER

Say, this guy is still out here, and he says he won't leave until he talks to you.

DABBLE

He's in for a long wait.

MRS COOPER

Suit yourself - but the only way you can get out without his seeing you is by the window - and it's ~~absolutely impossible~~ too far to jump.

DABBLE

Oh well, we might as well see him and get it over.

DIBBLE

After all, it might not be bad news.

DABBLE

It's bound to be bad news.

MRS COOPER

This way, Mr. Freghead.

PROGRAM

How do you do, gentlemen.

DIBBLE

I'm Mr. Dibble.

DABBLE

I'm Mr. Dabble.

PROGRAM

I'm Mr. Freghead.

DABBLE

Would you mind repeating that?

PROGRAM

I say, my name is Freghead.

DABBLE: Thanks. I just wanted to hear you admit your name was Froghawk?

DIBBLE: What was it you wanted to see us about?

FROGHAWK: Well, you see - I have a daughter.

DABBLE: That's too bad. Still, a lot of people are in the same boat. What's the matter with her?

FROGHAWK: She wants to get into the movies.

DABBLE: That is bad.

DIBBLE: Where do we come in?

FROGHAWK: Well, so we came out here to Hollywood to get her into pictures.

DIBBLE: It's all right with us. Go ahead and get her into pictures.

DABBLE: We won't interfere.

FROGHAWK: Well, I was in this building and I saw your sign on the door and I'd heard of your firm, so I thought I'd talk to you about it.

DABBLE: Well, we have talked about it. You want to get her into pictures, and we've given our consent. Anything else bothering you?

DIBBLE: By the way, got a cigarette?

FROGHAWK: I don't smoke, sorry. You see, I'm new out here in Hollywood and I don't know how to go about getting my daughter on the screen.

DIBBLE: If I were you, I'd go right over to Paramount and take it up with the management. They always accommodate all the fathers who want to get their daughters on the screen.

FROGHANK

Well, now, I know you gentlemen are very busy, and possibly I'm intruding, but I'd really like some advice and I thought if you'd have lunch with me - -

DIBBLE

What did you say?

FROGHANK

I thought, if you'd be my guests at luncheon - -

DIBBLE

Mr. Frogbank, if there is any advice we can give you, our time is yours. Brown Derby - here we come!

END OF CHAPTER ONE

U. S. Bureau of Investigation  
U. S. Department of Justice  
Los Angeles, California  
February 26, 1937

Director  
Federal Bureau of Investigation  
Washington, D. C.

Re: GROUCHO MARX; CHICO MARX;  
Copyright Act  
L. A. File #28-109

Dear Sir:

Reference is made to Bureau letter dated February 3, 1937, in the above-entitled case wherein request is made for the essential elements of the complaint in this matter.

Russell Graham, attorney, 756 South Broadway, Los Angeles, California, has advised that on September 1, 1936, Groucho Marx and Chico Marx, radio and motion picture entertainers, presented a radio sketch on the R. J. Reynolds Tobacco Company Camel Caravan, nation-wide program, at the Music Box Theatre, through Station KHJ, Los Angeles, California, Hollywood outlet for the Columbia Broadcasting System, Rupert Hughes announcing, and that said sketch was substantially identical with the radio serial comedy entitled, "The Hollywood Adventures of Mr. Dibble and Mr. Dabble", copyrighted by Garrett Graham on April 10, 1934, under registration entry and certificate Class D-2-29011, and that the Marx brothers were aware of the fact that the sketch presented was copyrighted due to prior negotiation they had with Garrett and Carroll Graham, authors, during the year 1935 for use of that story in a then pending program for the Rinso Soap Company which failed to materialize.

A report covering investigation in this case is being prepared and will be submitted to the Bureau within the immediate future.

Very truly yours,

S. H. HANSON

Special Agent in Charge

JJM/EL  
Air Mail

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TEH:VIL  
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February 3, 1937.

Special Agent in Charge,  
Los Angeles, California.

RE: ~~JOHN EDGAR HOOVER~~ -  
COPIES.

Dear Sir:

The Monthly Administrative Report from your Division for December, 1936, states that a complaint in the above entitled matter was received by your Division on November 1, 1936.

From the information contained in your Administrative Report it has not been possible to locate a record on this case at the Bureau. A letter should be forwarded to the Bureau setting out the essential elements of the complaint in this matter and advising when a report may be expected.

Very truly yours,

John Edgar Hoover,  
Director.

1. INVESTIGATIONS SECTION  
MAILED  
FEB - 3 1937  
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28-397-1  
FEDERAL BUREAU OF INVESTIGATION  
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